OFFICIAL ROSTER

F. L. McCann, President
L. Ed Dowell, Secretary-Treasurer
Paul E. Ayers, Vice President
John T. Salvey, Vice President
Rory R. Broyles, Vice President
James H. Rodgers, Vice President
Joseph M. Sparks, Trustee
Barry A. Cross, Trustee
Christopher D. Calhoun, Trustee

Retired Executive Board Officers

G. Dean Bennett*
Crawford L. Boggs
Gary L. Melton*
H. Ed Mullinax*
Greg A. Pardlo
James W. Parker*
Ann M. Snyder
Marlin A. Swartz
Gary S. Wasserman

*(Receiving a Deferred Executive Compensation Annuity)

General Counsel

Michael S. Wolly
FEES AND DUES
AMERICAN TRAIN DISPATCHERS ASSOCIATION

NATIONAL DUES
Active Members

The National dues of Active members earning $200 per day or more are $96.90 per month, payable in advance through September 30, 2016. [This also may be paid in advance proportionally on an annual $1162.80, semi-annual $581.40, or quarterly $290.70 basis.] Beginning on July 1, 2016 and on every July thereafter, the monthly national dues shall be determined by multiplying the average trick rail traffic controller (train dispatcher) total daily rate of pay (eight hours straight time pay plus allowances) by .295 and rounding up to the next five cents, provided National dues shall not be less than what was in effect on the preceding June 30 and this dues rate will be applied the following October.

The monthly National dues for Active members holding positions rated less than $200.00 per day shall be determined by multiplying the average total daily rate of pay (eight hours straight time pay plus allowances) by .295 and rounding up to the next five cents.

Active-Extra Members

One-half the amounts as shown above for Active members for each period listed.

Associate Members

Annual $25.00

Dues are payable monthly in advance but dues of Active and Active-Extra members may be paid annually, semi-annually, or quarterly should a member be paid semi-annually or quarterly. Associate dues must be paid in full on an annual basis and cannot be paid semiannually or quarterly.

Dues payable by applicants for Active membership are computed from the first day of the month the application is made.

SYSTEM DUES

System dues, in amount established by the System Committee on the member’s railroad, must accompany National dues and must be remitted to the Secretary-Treasurer. Remittances of National and System dues must cover the same dues paying period.

INITIATION FEE

An initiation fee of $150.00 for Active and $75.00 for Active-Extra applicants must accompany every application for membership.
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CONSTITUTION
and
BY-LAWS
of the
AMERICAN TRAIN
DISPATCHERS
ASSOCIATION

PREAMBLE

The purposes of this Association shall be to unite Rail Traffic Controllers and other employees in the transportation industry in one fraternal organization to the end that there may be coordination in the protection of their mutual interests; to promote their social, moral and intellectual standing and general welfare; to secure just compensation for their services and promote the establishment of just and reasonable working conditions.

Recognizing that our rights and interests are interwoven with those of our Government, our fellow citizens, our employers and all members of our crafts, we do hereby acknowledge our responsibility to rigidly adhere to truth, justice, and morality and to practice charity in our dealings with our fellow men; to promote the efficient and economical operation of the railroads and other industries.

The aim of the Association shall be cooperation in the accomplishment of these principles, the cultivation of harmonious relations between its members and their employers and the fulfillment of every obligation it may assume.

The use of any gender-specific term in this Constitution and By-Laws is not intended to restrict the application of its terms to a particular gender, but is solely for the purpose of grammatical convenience and clarity.
ARTICLE I
Organization

Sec. 1. Name.
This organization shall be known as the American Train Dispatchers Association.

Sec. 2. Headquarters.

a. The National Headquarters of this Association shall be located at a point designated by the Joint Board.

b. The headquarters of the President and Secretary-Treasurer shall be at the National Headquarters of the Association.

c. The headquarters of the Vice Presidents and members of the Board of Trustees shall be at their respective homes except as may otherwise be determined by the Joint Board.

Sec. 3. Government.

a. The General Assembly is the supreme authority of the Association and shall be empowered to act via telephonic or video conference, U.S. registered and/or certified mail between Assemblies. The Executive Board shall exercise the powers of the General Assembly between Assemblies in administrative, executive and judicial matters, in accordance with this Constitution and By-Laws, except:

   (i) The Executive Board may submit any question to the General Assembly for decision;

   (ii) Any minority member of the Executive Board may appeal any majority decision of the Executive Board to the General Assembly for review and decision;

   (iii) A petition signed by twenty-five (25) or more delegates shall remove any matter under consideration from the jurisdic-
tion of the Executive Board and refer it to the General Assembly or bring new business before the General Assembly for action or initiate a “vote of confidence” in the Executive Board’s conduct of Association affairs.

b. Between Assemblies the voting record of delegates shall be published in THE TRAIN DISPATCHER; provided: that any succeeding provisions of this Constitution and By-Laws shall be subject to the requirements of this Section.

**ARTICLE II**

**Membership**

**Sec. 1. Active and Active-Extra.**

a. Any person of good moral character, who is employed in any classification of employees represented by the Association will be eligible for active or active-extra membership in this Association as set forth in sub-sections b. and c. of this Sec. 1.

b. Active membership shall be comprised of those persons who are employed full time in a craft represented by this Association.

c. Active-extra membership shall be comprised of those persons who hold a full time position in another craft, maintain full membership in and pay dues to the Union representing the other craft, and are subject to call as a non-guaranteed employee.

d. Members elected President, Secretary-Treasurer, or Vice President or appointed to employment with the Association shall not lose their membership status as a result of their election or appointment.

e. In cases where a member’s compensation is substantially reduced due to illness, disability, furlough or disciplinary action by an employer, dues may be waived, upon request by the General Chairman and may be approved by the Secretary-Treasurer.

f. Active and Active-Extra members who are promoted to, and any persons who hold, official or excepted positions shall have no voice, vote, or participation in Association affairs, either National or System, for as long as they hold such official or excepted positions.
Sec. 2. Associate.
   a. Any person of good moral character who has been employed in a craft or class represented by the Association but who is no longer employed as such at the time of making application will be eligible for associate membership only.
   b. An Associate member who resumes service in any craft or class represented by the Association shall transfer to Active or Active-Extra membership. He shall make such transfer within thirty (30) days after return to such service. In transferring to Active membership, he shall pay Active dues for the remainder of the current dues paying period pro-rated on a monthly basis. In transferring to Active-Extra membership he shall pay the active-extra dues covering the remaining period of the current dues-paying period pro-rated on a monthly basis.
   c. Associate members may not hold office or vote and shall be entitled to social benefits only. They shall not be subject to or liable for special assessments.
   d. Members in good standing upon retirement shall be granted complimentary Associate membership.

Sec. 3. Application.
   a. Any person desiring membership in this Association shall file with the Secretary-Treasurer a written application on the prescribed form provided by the Secretary-Treasurer, and must be recommended by at least two members in good standing.
   b. Upon receipt of application, the Secretary-Treasurer shall issue a membership card to the applicant and furnish him with a copy of the Constitution and By-Laws of the Association, with instructions to examine the same and to make himself familiar with the provisions thereof and the obligations therein assumed.

Sec. 4. Initiation Fee and Dues.
   a. (1) The initiation fee shall be One Hundred Fifty Dollars ($150.00) for Active membership and Seventy-Five Dollars ($75.00) for Active-Extra membership. The Secretary-Treasurer shall remit these fees to the Custodian of the System Fund on each road on which a System Fund has been established.
(2) A member in good standing whose employment changes from one employer to another shall have his membership transfer from one system to the other and shall not be required to pay the initiation fee again. However, a member under these circumstances who is not in good standing shall be required to pay the initiation fee again, plus any back dues from the previous employment. The initiation fee may be waived with written request from the General Chairman to the Secretary-Treasurer.

b. (1) The monthly National dues of all Active members of this Association, except as otherwise provided in this Section, shall be determined annually by multiplying the average trick rail traffic controller (train dispatcher) total daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 by .295 and rounding up to the next five cents, provided such dues shall not be less than what was in effect on the preceding June 30.

(2) The monthly National dues for Active members holding positions rated less than $200.00 per day shall be determined annually by multiplying the average total daily rate of pay (eight hours straight time pay plus allowances) in effect on July 1 for each craft by .295 and rounding up to the next five cents.

(3) Any increase in dues in accordance with this Sec. 4.b. shall become effective on the following October 1.

c. National Dues of Active-Extra members shall be fifty percent (50%) of the Active dues per month.

d. Dues of Associate members shall be Twenty-Five Dollars ($25.00) per annum.

e. System Fund dues established pursuant to Section 14 of Article XI on each road shall be added to the National dues and the full amount remitted to the Secretary-Treasurer. The Secretary-Treasurer shall then send to the custodian of the System Fund on each road all System dues (including seniority retention fees equal to regular System dues), System assessments, and initiation fees which have been received by him.

f. Dues are payable monthly in advance but dues of Active and Active-Extra members may be paid annually, semi-annually or quar-
terly should a member so elect. For new Active members, dues shall be computed from the first day of the month in which he becomes eligible for membership pursuant to Sec. 1 of this Article. New members applying for Active Membership shall make application for same within thirty (30) days of the date he becomes eligible for membership pursuant to Sec. 1 of this Article.

g. An Active-Extra Member who becomes eligible for Active membership pursuant to Sec. 1 of this Article, shall transfer to Active membership by payment of Active dues computed from the first day of the month in which transfer is made.

h. All money sent to the Secretary-Treasurer must be in the form of express or post office money order, bank draft, or check made payable to the American Train Dispatchers Association.

i. Any increases in the rates of initiation fees and dues of the Association shall be established by the delegates at regular sessions of the General Assembly. In the event that increases in the rates of initiation fees and dues are made the subject of consideration in any call of a special session of the General Assembly, not less than thirty (30) days’ written notice of such proposed increases shall be given to all delegates to such special session of the General Assembly.

j. National dues will not be increased for members of any System(s) that have not reached a contractual settlement with their Carrier(s) for a period of four (4) years after Section 6 Notices have been served. When a settlement is reached, members affected under this provision shall have their dues increased to the equivalent of National dues. This increase will become effective in the calendar month following the month in which the increase is actually realized.

Sec. 5. Assessments.

a. Whenever the equity of the Association falls below Three Million, Five Hundred Thousand Dollars ($3,500,000.00), assessments may be levied within six (6) months by the President, with the approval of the Joint Board, and said assessment shall be paid by all members in such amounts and in such manner as may be necessary to restore and maintain an equity of Three Million, Five
Hundred Thousand Dollars ($3,500,000.00). Determination of equity amount shall exclude the net value of non-liquid or fixed assets such as, but not limited to: Advance to American Train Dispatchers Improvement Association; Expense advance to officers; Prepaid Insurance; Commissions and other expenses. The amount of each assessment and the manner and time limit for payment shall be determined by the President with the approval of the Joint Board, provided, however, that such assessments shall be effective only until the next session of the General Assembly.

b. Whenever the President deems it necessary to call for an assessment other than that provided for in sub-section a. of this Section, he shall notify members of the Joint Board of same. If the Joint Board approves the recommendation of the President by majority vote, the Secretary-Treasurer shall then send a circular and ballot to each member of the Association in good standing (except Associate members) calling for a referendum vote by secret ballot of the entire membership of the Association, and specify the reason for said assessment. A majority of all votes cast shall be required to legalize such national assessments. When such a referendum ballot is spread, ballots must be returned to the Secretary-Treasurer within thirty (30) days from date of ballot. If a majority of all votes cast are in favor of the assessment, the Secretary-Treasurer shall notify the Joint Board within ten (10) days from the close of balloting and shall then proceed to levy the assessment on all members, setting a time limit for payment.

c. No National or System dues shall be accepted by the Secretary-Treasurer or credited by him on the record of any member, following the date or dates any assessments provided for in this section become due, until the assessments due from such members are actually received by the Secretary-Treasurer.

Sec. 6. Maintenance of Good Standing.

a. Membership in good standing in this Association includes any person who has fulfilled the requirements for membership and who has not become ineligible for continued membership, or has been suspended or expelled as provided in the Constitution and By-Laws.
b. Members who fail to pay dues, both National and System, in accordance with Sec. 4 of this Article will be considered delinquent and will be so notified by the Secretary-Treasurer. The failure of the Secretary-Treasurer to notify such delinquent member will not constitute an excuse not to pay dues. Should such delinquent member fail to pay dues within one calendar month after becoming delinquent, a penalty of ten percent (10%) per month of the total delinquency for each month or fraction thereof or the maximum amount permitted by law, whichever is lower, shall be imposed until the delinquency is cured. If a special assessment has been levied, it shall be payable by those upon whom levied within the time limit prescribed by the assessment notice. Members who are delinquent or have not paid fines or penalties imposed in accordance with this Constitution and By-Laws are not entitled to any voice, vote or participation in Association matters, either National or System.

c. Dues, fees, assessments and fines shall constitute a legal liability of a member to the organization. Costs associated with prosecuting charges in connection with a member’s failure to satisfy his obligations to pay dues, fees, assessments and/or fines shall constitute a legal debt of such member.

Sec. 7. Reinstatement of Suspended or Expelled Members.

Any person expelled from membership for nonpayment of dues or assessments as heretofore provided may be reinstated only upon re-application for membership and payment of all financial obligations owed the Association. Any person who has been suspended or expelled from membership in the Association pursuant to the provisions of Articles XIV and XV or Section 10 of Article III of this Constitution and By-Laws may be reinstated to membership only upon re-application for membership and after approval by the Executive Board or the General Assembly.

Sec. 8. Resignation from Membership.

A member may resign from membership by submitting a written resignation by mail or hand-delivery to the Secretary-Treasurer. Resignations shall be effective upon receipt of notification in the
manner prescribed herein. Resignation in anticipation of charges of misconduct or when such charges are pending shall not absolve a member from responsibility for conduct which occurred prior to the resignation becoming effective. Resignation from membership shall not release a member from any Union Shop Agreement obligations that may govern his employment.

b. A member who resigns is responsible for submitting a dues deduction revocation form to the Secretary-Treasurer if he desires to terminate the automatic dues deduction from his wages. Such resigned member whose automatic dues deduction continues by his employer for the periods following his resignation, despite submitting the form, shall notify the Secretary-Treasurer immediately upon learning of such continued deduction. Only upon receipt of such notification shall the Secretary-Treasurer be responsible for reimbursing dues that were deducted and then only those dues deducted after the resigned member submitted a dues deduction revocation form.

ARTICLE III
Association Officers

Sec. 1. Number and Titles.

The officers of the Association shall consist of a President, a Secretary/Treasurer, four (4) Vice Presidents, and a Board of Trustees comprised of three (3) members and four (4) Alternate Trustees. The President, Secretary-Treasurer, and Vice Presidents jointly shall constitute the Executive Board. The Executive Board, together with the Board of Trustees, not including Alternate Trustees, shall constitute the Joint Board.

Sec. 2. Eligibility to Office.

Unless ineligible because of the provisions of applicable federal or state law, any active or active-extra member in good standing shall be eligible to election as a national officer of the Association. No such officer shall be entitled to hold more than one national office at the same time.
Sec. 3. Rights of Candidates.

Every bona fide candidate for national office in the Association shall have certain rights with respect to the distribution of campaign literature and freedom from discrimination. The national headquarters of the Association will comply with all reasonable requests of any such candidate to distribute, by mail or otherwise at the candidate’s expense, campaign literature in aid of his candidacy to all members in good standing of the Association. Whenever the Association authorizes distribution to members, by mail or otherwise, of campaign literature on behalf of any bona fide candidate for office or on behalf of the Association itself with reference to elections, similar distribution shall be made by the Association through its national headquarters for any other bona fide candidate if so requested by such candidate, and equal treatment shall be accorded as to the expense of such distribution to be borne by such candidate. All national officers and members of the Association shall refrain from any discrimination in favor of or against any candidate with respect to the use of lists of members or delegates to sessions of the General Assembly. Every bona fide candidate shall have the right upon request, once within thirty (30) days prior to elections of national officers in which he is a candidate, to inspect the list containing the names and last known addresses of all members of the Association who are subject to union shop agreements requiring membership in the American Train Dispatchers Association as a condition of their employment, which list shall be maintained by the Secretary-Treasurer at national headquarters. The Association shall also provide adequate safeguards to insure that its elections are fair and impartial, and any candidate has the right to request and designate an observer at the polls and the counting of ballots.

Sec. 4. Use of Funds Prohibited in Elections.

No funds received by the Association or any System Committee through initiation fees, dues, assessments or similar levy shall be contributed or applied to promote the candidacy of any person in elections of national officers, nor shall any money of an employer
of members of this Association or any other employer be so contributed or applied. The Association may, however, expend its funds for notices, factual statements and other expenses necessary for the conduct of its elections so long as such activities do not involve promotion of candidates for office.

**Sec. 5. Method of Nomination and Election.**

a. The President, Secretary-Treasurer and Vice Presidents shall be nominated and elected by majority vote of the duly accredited delegates present and voting at each regular session of the General Assembly who have been elected by secret ballot as provided in Section 3 of Article X. If only one (1) candidate is nominated for a particular office, motion may be made for the election to be by acclamation. If two (2) or more candidates are nominated for the same office, the election shall be conducted by secret ballot and such ballots may be cast by each duly qualified delegate elected as aforesaid. Only delegates in attendance may vote, and there shall be no voting by proxy. In the event no nominee receives a majority of the votes cast, the name of the nominee receiving the least number of votes shall be dropped from each succeeding ballot until one (1) nominee receives a majority of the votes cast.

b. Trustees shall be nominated and elected by plurality vote of the duly accredited delegates present and voting at each regular session of the General Assembly who have been elected by secret ballot as provided in Section 3 of Article X. The election of Trustees shall be by secret ballot. Only delegates in attendance may vote and there shall be no voting by proxy. Votes will be cast for not more than three (3) nominees. The three (3) nominees receiving the highest number of votes will be elected to the position of Trustee. The nominee receiving the fourth highest number of votes will be elected the first Alternate Trustee. The nominee receiving the fifth highest number of votes will be elected the second Alternate Trustee. The nominee receiving the sixth highest number of votes will be elected the third Alternate Trustee. The nominee receiving the seventh highest number of votes will be elected the fourth Alternate Trustee.
c. In conducting the balloting, the presiding officer shall appoint two (2) tellers and a judge of the election and shall announce the names of the nominees in the order of their nomination. Such tellers shall collect and count the votes cast and report the result to the presiding officer who shall announce such result to the General Assembly.

Sec. 6. Installation and Term of Office.

The incoming President shall be installed by the Senior Past President present at the General Assembly or by such other person as may be designated by the delegates for such purpose. The other elected officers shall be installed in such form and manner as may be designated by the incoming President. All such officers shall serve until the next regular session of the General Assembly and the election and installation of their successors, if any, unless relieved of their duties as provided in this Constitution and By-Laws. Trustees and Alternate Trustees on whose road Association representation becomes terminated shall relinquish their office upon notification from the President regarding termination of representation.

Sec. 7. Election of Honorary Officers.

The General Assembly may by a majority vote of the delegates present and voting and qualified as aforesaid, elect any Past Executive Officer as an Honorary Officer whose term of office shall be perpetual unless rescinded by a majority vote at any ensuing General Assembly.

Sec. 8. Filling of Vacancies.

a. Should vacancies occur in the office of President, Secretary-Treasurer, Vice Presidents, or Board of Trustees during the recess of the General Assembly, the Joint Board shall convene within twenty days after receiving notice of an impending vacancy or the occurrence of any such vacancy, whichever is sooner, and will fill such vacancy or vacancies from among the remaining National Officers of this Association, without the participation of the officer who is vacating the position. If the vacancy cannot be filled from among
the remaining National Officers, it shall be filled from the membership. Officers so appointed will serve until the next regular session of the General Assembly unless relieved of their duties as provided in this Constitution and By-Laws.

b. Vacancies in the positions of Alternate Trustees shall be filled only at regular sessions of the General Assembly.

c. In the event a situation arises which prevents the President from performing the functions prescribed by the Association’s laws, the Secretary-Treasurer shall assume and exercise the authority of the President as a temporary measure until the return of the President or until other action is taken in accordance with this Constitution and By-Laws.

Sec. 9. Salaries.

a. The salaries of all officers shall be fixed at each regular session of the General Assembly and shall be subject to revision or modification by any special session of the General Assembly. Each officer shall be allowed his necessary traveling and personal expenses when away from his assigned headquarters on business of the Association.

b. General, Vice General and Local Chairmen, and others appointed by the President for special service shall be reimbursed for all time so engaged at their regular salaries and shall receive necessary traveling and personal expenses when away from home on business of the Association, provided that those who are not regularly and fully employed shall be paid not less than the rate of the last agreement position worked while in such service.

c. Officers shall receive payment of salaries semi-monthly, and shall receive reimbursement for expenses monthly.

Sec. 10. Charges and Trials of Officers.

a. All trials of officers shall be conducted by the Joint Board, provided that any officer against whom charges are preferred, or any officer preferring charges, shall not sit as a member of the Joint Board during the trial.

b. All charges preferred against officers of this Association shall contain a detailed statement of the facts out of which such charges
originated, and include specific reference to the provisions of the Article, sections and paragraphs of this Constitution and By-Laws, or the established policies, decisions, laws, rules or regulations which it is alleged have been or are being violated. All charges must include the following statement by the charging party: “I swear or affirm that the statements contained in these charges are true and correct to the best of my personal knowledge,” and shall include the signature of the charging party.

c. Such charges must be filed in duplicate within sixty (60) days of actual knowledge of the alleged misconduct with the Secretary-Treasurer through the General Chairman on the railroad on which the party or parties preferring the charges is employed and on which he is a member in good standing, except that if the party preferring the charges is an officer, the charges may be filed initially with the Secretary-Treasurer. Should charges be preferred against the Secretary-Treasurer, they shall be filed in the manner specified herein with the President.

d. The Secretary-Treasurer shall promptly furnish such charges to the Joint Board which shall decide whether the charges have been properly filed, as provided herein, and whether the charges are facially valid. If the charges are determined to have been properly filed and are not invalid on their face, the Secretary-Treasurer shall furnish the charges to the accused, who shall within two weeks from the date of receipt of a copy of such charges, file an answer with the Secretary-Treasurer or President.

e. Upon receipt of an answer from the accused, or in the event no answer is received within the time prescribed in sub-section (d) of this section, each member of the Joint Board shall be furnished copies of the answers and other documents filed by the parties in connection with such charges.

f. After having been furnished with copies of the charges and other documents in connection therewith, the senior available trustee shall make an investigation to determine all available facts to ascertain if there is any arguable merit to the charges. After such
investigation, he shall report the results thereof to the remaining Joint Board Members with all data and documentary evidence.

g. After having been furnished with copies of the charges and other documents in connection therewith including the senior available trustee’s report with all data and documentary evidence, the Joint Board shall make a determination as to whether the charges arguably have merit. If it is determined that the charges arguably have merit the Joint Board shall set a time and place for hearing or trial before the Joint Board and notify the accused and the party or parties preferring the charges, by Registered or Certified Mail, Return Receipt Requested, of the time and place of such hearing or trial. If it is determined that the charges do not arguably have merit, the Joint Board shall so advise the accused and the party or parties preferring the charges.

h. All parties shall be given full opportunity to present all relevant evidence and exhibits which they deem necessary to the proper presentation of their case and shall be entitled to cross examine witnesses of the other party or parties. Each party shall have the privilege of selecting any member in good standing of the Association to act as his counsel in the trial proceedings.

i. Upon the completion of the presentation of all evidence, the Joint Board, without the participation of any member or members thereof by whom or against whom the charges under consideration have been preferred, shall decide what disposition shall be made of such charges and fix the penalty, if any, to be assessed.

j. Either party shall have the right to appeal to the General Assembly from the decision of the Joint Board pursuant to Article XVI, Sec. 4, but pending such appeal the action of the Joint Board shall stand.

k. (i) Appeals to the General Assembly from decisions of the Joint Board on charges preferred against officers shall be referred to an appeal board of seven (7), not more than one (1) of whom shall be from any one system, who shall be elected by vote of the delegates voting at such General Assembly. Each delegate shall be
permitted to vote for up to seven candidates but cast no more than one vote for each candidate; the seven candidates receiving the most votes shall be elected. Said appeal board shall elect a chairman, with the right to vote, and shall be furnished all documents filed in connection with the appeal and shall afford the parties an opportunity to present such argument as may be necessary to properly present their respective cases, but no new evidence or witnesses will be permitted.

(ii) Upon completion of the argument, the appeal board shall determine, on the basis of the argument before it and the record of evidence made before the Joint Board, its recommendations to the General Assembly. Such recommendations shall be made in writing and shall then be reported to the General Assembly by the chairman of the appeal board. Upon the submission of such report the General Assembly shall consider the recommendations of the appeal board and shall decide by majority vote of the assembly whether to affirm, reverse, amend, or modify the decision of the Joint Board. Such decision shall be final.

l. Charges can only be preferred against officers for violation of the laws of the Association or conduct unbecoming an officer, and must be definitely and specifically stated. Any member making charges on trivial pretexts or refusing to comply with summons of the Joint Board to testify in any matter under consideration shall be guilty of misconduct and subject to charges therefor as provided in Articles XIV and XV of this Constitution and By-Laws.

m. The Association shall bear the expenses incurred by the prosecution and defense in cases involving charges brought against officers under this section.

ARTICLE IV
President

Sec. 1. General Duties and Authority.

a. The President shall devote his entire time to the interests of the Association. He shall be its official head and shall exercise
supervision over the Vice Presidents and assign them and the Secretary-Treasurer to such duties as, in his opinion, will permit the work of the Association to be handled in the most efficient and economical manner. The President shall, in a general way, supervise the work and policies of the Association.

b. The President shall interpret all laws of the Association and decide all controversies which may be appealed to him. Such interpretations and decisions shall be final and binding unless changed on further appeal to the Executive Board and General Assembly as hereinafter provided in Article XVI.

c. He shall preside at all sessions of the General Assembly, and submit to each regular session thereof a written report of the preceding four years’ work, together with a message setting forth what legislation and general policies are, in his opinion, necessary for the best interests of the Association.

d. He shall prepare and have distributed among the delegates copies of his report on the opening day of each General Assembly. The report of the President will include a statement of the work and official acts of the Executive Board.

e. The President shall furnish to the Executive Board any information in his possession that they may require concerning matters pertaining to the affairs of the Association.

f. He shall, in collaboration with the Secretary-Treasurer, participate in the preparation and submission of such reports and documents as are required by law to be submitted on behalf of the Association.

g. The President shall pass upon the authorized expense account of the Secretary-Treasurer and adjust any irregularities therein before payment.

h. He shall serve as a Director and President of the American Train Dispatchers Improvement Association.

i. In the event of conflict of authority between the President and the Secretary-Treasurer in matters of administration of the general office, the decision of the President shall prevail.

j. At the expiration of his term of office the President shall
deliver to his successor all books, papers, and any other property belonging to the Association.

Sec. 2. Supervision of System Committees and Suspension of System Committee Officers.

a. The President shall have direction and supervision of all System Committees and their officers with authority to summarily suspend from office any General Chairman or other officer of a System Committee for failure to comply with the provisions of this Constitution and By-Laws, the established policies of this Association, or the valid orders or decisions of any of the national officers of this Association, or for incompetence, negligence, failure of duty, or misconduct as hereafter provided in Article XIV.

b. Any order of suspension of an officer of a System Committee from office issued by the President shall be mailed or otherwise delivered to such suspended officer together with a full statement of the reasons for which such suspension is ordered and notice of the right of such officer to appeal said order of the President to the Executive Board as provided in Article XVI.

c. The President shall have authority to approve, modify, revise, defer, suspend, or reverse any decision of a General Chairman, System Committee, or any officer thereof, or any action taken in connection therewith by any such System Committee or officer, if such decision or action is contrary to the provisions of this Constitution and By-Laws, the established policies of the Association, or the valid orders or decisions of any of the officers of this Association, subject to appeal as provided in Article XVI of this Constitution and By-Laws.

Sec. 3. Appointment of Deputies.

The President may appoint deputies, each separate appointment to indicate such deputy’s authority, which shall not exceed the immediate duty which such deputy was appointed to perform, and such deputy shall immediately upon the conclusion of the duty for which he was appointed render in writing a full and complete detailed report of his actions to the President.
Sec. 4. Employment Authority.
   a. The President may, subject to the approval of the Executive Board, employ such clerical force as deemed necessary, and pay such salaries as the Executive Board approves.
   b. He may, subject to the approval of the Executive Board, employ such non-clerical staff and legal service, either temporary or permanent, or both, as necessary.

Sec. 5. Meetings with General Chairmen.
   He shall have authority to call meetings of General Chairmen and representatives of system committees at such time and place and for such purposes as he may designate.

Sec. 6. Establishment of Temporary Headquarters.
   He may, with the approval of the Executive Board, establish such temporary or semi-permanent headquarters for himself, the Secretary-Treasurer, or any or all of the Vice Presidents, as the exigencies of circumstances may require, and make such provision for offices and equipment as he may deem best.

Sec. 7. Supervision of Collective Bargaining and Submission of Adjustment Board Disputes.
   a. All collective bargaining negotiations and matters pertaining thereto shall be subject to the direction and approval of the President or his designated representative.
   b. The President or his designated representative shall also advise and assist members in the presentation of their claims and grievances for final adjudication.

Sec. 8. Authorization of Strike Actions.
   a. When negotiations with a carrier or carriers reach a deadlock and it becomes apparent that the dispute cannot otherwise be adjusted, a decision with respect to whether strike action will be authorized will be made in accordance with the following procedure:
   b. The President, with the approval of the Executive Board, will prepare a strike ballot to be mailed to all members involved in said
dispute who are then in good standing. The ballot shall concisely state the issue or issues involved and permit the members to vote “yes” or “no” as to whether members should concertedly withdraw from service until the dispute has been resolved. A letter accompanying the ballot will briefly describe the efforts which have been made to resolve the dispute.

c. Ballots shall be mailed to all members then in good standing to their last known addresses as shown by the Association’s records. Ballots shall be returned within the time specified by the Executive Board which shall be not less than fifteen (15) days from the date mailed. Balloting will be secret and in compliance with the instructions on each ballot.

d. If two-thirds of the members eligible to vote in the dispute favor withdrawal of service, the President, with the approval of the Executive Board, may authorize a strike. Conduct of any strike shall be under the supervision and direction of the President and he shall, upon approval of the Executive Board, have authority to command the entire resources of the Association to bring such strike to a successful conclusion.

e. In disputes where unilateral action by a carrier or carriers is taken or imminently threatened which would immediately adversely affect wages, rules, or working conditions, emergency strike action may be authorized by the President, with the approval of the Executive Board, without the necessity of a membership strike ballot.

Sec. 9. Agreements.

a. All rules, regulations, contracts, and agreements agreed upon by an employer and regularly constituted representatives of this Association shall be binding upon all members working within the jurisdiction of such representatives.

b. Agreements negotiated with employers on a national or system wide basis in resolution of notices involving wages and/or working conditions shall be tentative until after approval of the President pursuant to Section 7 of this Article and submission for
ratification by the members affected by such agreements via U.S. Mail or in a local meeting. A copy of the proposed agreement (and/or a summary thereof) and a ballot shall be forwarded to each member on those properties that are a party to the negotiations. If a majority of the members voting ratify the proposed agreement it will stand adopted; otherwise it will be subject to renegotiation with the carriers. In the event a ratification vote is to be conducted by U.S. mail, the Secretary-Treasurer will conduct such ratification vote.

c. In the case of any collective bargaining agreements adopted by the Association on a national basis, the President shall insure that a copy of any such agreement is forwarded to each constituent System Committee of the Association which has members directly affected by such agreement, and he shall also cause to be maintained at the headquarters of the Association copies of such agreement and copies of any agreement made by a System Committee which has been forwarded to national headquarters available for inspection upon request by any member or any employee whose rights are affected thereunder.

**ARTICLE V**

**Secretary-Treasurer**

**Sec. 1. General Duties and Authority.**

a. The Secretary-Treasurer shall receive from whatsoever source, and have custody of all funds of the Association (except System Funds), and pay them out upon authorization contained in this Constitution and By-Laws and any resolutions of the Executive Board adopted thereunder to meet the obligations of the Association. He shall see to the payment of the legitimate expenses of his office and maintain as part of his records supporting receipts and vouchers for all such expenses, which shall be made available upon the examination of his books.

b. He shall deposit on at least a weekly basis all funds of the Association in his possession in an account in a bank or trust company in the name of the Association. No withdrawals from
such account(s) shall be made unless by check signed by him as Secretary-Treasurer or by such person as may be selected by him and approved by the Executive Board. Two signatures (the Secretary-Treasurer and the President or such other officer so designated by the Executive Board) shall be required on all checks for one thousand dollars ($1,000) or more.

c. He shall devote his entire time to the interests of the Association, keep a true and correct record of the proceedings and transactions of the General Assembly, read or cause to be read to the General Assembly all petitions, resolutions and communications submitted to that body, preserve the archives of the Association, and perform such other duties as may be designated by the Laws of the Association.

d. He shall conduct all necessary correspondence of his office, attest all official documents with his signature, and provide his office with all books, stationery and other supplies necessary to the proper conduct of the business of the Association.

e. He shall, subject to the approval of the President employ the clerical forces necessary to properly conduct the business of his department, paying such salaries as the Executive Board approves.

f. He shall keep correct and proper accounts of all monies handled and such accounts shall be audited annually by certified public accountants on a fiscal year basis ending June 30. Financial reports required by law shall be prepared from the information contained in the annual audit report.

g. He shall, in collaboration with the President, participate in the preparation and submission of such reports and documents as are required by law to be submitted on behalf of the Association.

h. Basic information and data by means of which reports required by law are prepared, including vouchers, worksheets, receipts and applicable resolutions shall be kept available for examination for a period of not less than five years after the filing of the documents based upon the information they contain in order that such information may be verified if required.
i. At each meeting of the General Assembly he shall render a full and complete report of all his official acts and an accurate and comprehensive statement of all receipts and expenditures of the funds of the Association, together with its assets and liabilities.

j. He shall have charge of all papers and property of the Association, not otherwise provided for.

k. He shall issue a membership card to each new member upon acceptance of application and to each member in good standing once every four (4) years in the first quarter of the year following each General Assembly. This card will remain in effect until replaced with a new card or until revoked by the Secretary-Treasurer. The membership card shall bear the seal of the Association and facsimile signatures of the President and Secretary-Treasurer.

l. When requested by a member, a dues receipt shall be issued.

m. He shall furnish free of charge to each member a copy of the Constitution and By-Laws and a copy of any changes made thereto.

n. The Secretary-Treasurer shall pass upon the authorized expense accounts of officers and others and adjust any irregularities therein before payment, except that the Secretary-Treasurer shall present his expense account to the President who will adjust any irregularities therein before payment.

o. A uniform system of bookkeeping and records shall be established at the headquarters office by the Secretary-Treasurer. All System Committees, officers, representatives, and members shall conform to said uniform system of bookkeeping and records in submitting reports, correspondence, and in all other relations with the headquarters office.

p. He shall be Business Manager of THE TRAIN DISPATCHER. When approved by the Executive Board, he shall have authority to employ such assistance and to purchase such facilities as may be necessary to produce a modern and effective publication.

q. He shall be Secretary ex officio of the Executive Board.

r. He shall serve as a Director and Secretary-Treasurer of the American Train Dispatchers Improvement Association.
s. He shall carry out such additional duties as may be assigned to him by the President.

t. At the expiration of his term of office he shall deliver to his successor all books, property, papers, funds, etc., belonging to the Association.

Sec. 2.

a. The Secretary-Treasurer shall provide a copy of all documents to the Vice Presidents pertaining to their assigned territory and/or duties as assigned by the President. This is including, but not limited to, elections, referendums, correspondence with the System Committee Officers and members and any other information pertaining to their assigned territory and involving their duties as assigned by the President.

b. The Secretary-Treasurer shall provide a copy of all documents that he provides to the Vice Presidents to the President.

ARTICLE VI
Vice Presidents

Sec. 1. General Duties.

a. The Vice Presidents shall devote all their time to the service of the Association. They will assist the President in the conduct of the affairs of the Association, performing such duties as may be assigned them by the President, and in a general way promote the welfare of the Association.

b. At the expiration of his term of office each Vice President shall deliver to his successor all books, papers, and any other property belonging to the Association.

ARTICLE VII
Executive Board

Sec. 1. Membership.

The Executive Board shall consist of the President, Secretary-Treasurer, and all Vice Presidents. The President shall be Chairman
of the Executive Board and shall convene its members when in his judgment he deems it necessary or when requested to do so by a majority of the Board or when required to do so by the provisions of this Constitution and By-Laws.

**Sec. 2. General Duties and Authority.**

a. The Executive Board shall have full authority to act for the Association in all administrative, executive, and judicial matters and to conduct all of the business of the Association between sessions of the General Assembly, except as otherwise provided in this Constitution and By-Laws.

b. The Executive Board shall hear and determine all matters properly brought before it as provided in this Constitution and By-Laws.

c. The Executive Board shall be empowered to transact business by correspondence when it is not in session unless otherwise provided by this Constitution and By-Laws.

**Sec. 3. Quorum and Legal Majority.**

A majority of the Executive Board shall constitute a quorum, provided that four or more concurring votes shall be necessary to legalize any action except in the case of decisions on appeals as provided in Section 3 of Article XVI.

**Sec. 4. Control of Investments and Disbursements.**

a. The Executive Board shall have authority to require from all officers of the Association an itemized account of all money expended by them and may disapprove any expenditure not authorized by this Constitution and By-Laws or any resolution adopted thereunder.

b. Resolutions may be adopted by the General Assembly, or by the Executive Board between sessions of the General Assembly, pursuant to authority herein granted, empowering such bodies to authorize the management, investment, and expenditure of the funds and property of the Association in accordance with its established practices, customs, and procedures.
Sec. 5. Prohibition of Certain Loans and Payment of Fines.
   a. In authorizing expenditures or loans neither the Executive Board nor any officer acting on behalf of it or this Association shall directly or indirectly make any loans to any officer or employee of the Association from the funds or property of the Association.
   b. The funds of the Association shall not be obligated or used directly or indirectly to pay the fine of any officer or employee convicted of any willful violation of the Labor-Management Reporting and Disclosure Act of 1959, but this prohibition shall not prevent the assumption by the Association of the costs of defending the Association, any System Committee thereof, or any of its officers, agents, representatives, or employees in any civil or criminal proceedings in which they may become involved for alleged violations of law.

Sec. 6. Disability of Officers.
   a. In the event the President, Secretary-Treasurer, or a Vice President becomes disabled by accident or illness so that he is unable to perform the responsibilities of his position, and such disability lasts longer than sixty (60) days from the onset of the disability, the salary of the officer shall be reduced in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Duration</th>
<th>Reduction</th>
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<tbody>
<tr>
<td>61-120 days</td>
<td>50% reduction</td>
</tr>
<tr>
<td>121-180 days</td>
<td>75% reduction</td>
</tr>
<tr>
<td>More than 180 days</td>
<td>100% reduction</td>
</tr>
</tbody>
</table>

   b. After 180 days of such disability, the officer shall be considered disabled and shall be suspended from office, and his position temporarily filled as provided in Article III, Section 8. Any return to service for a period of less than sixty (60) days’ duration shall not be deemed to interrupt this schedule.

ARTICLE VIII
Board of Trustees

Sec. 1. Membership.
   The Board of Trustees shall consist of three members of the Association elected by the General Assembly or appointed as hereinafore provided in Section 8 of Article III.
Sec. 2. General Duties and Authority.
   a. The Board of Trustees, or a majority thereof, shall convene at the
      national headquarters each year in the month of September, October, or
      November and shall examine the accounts of the Secretary-Treasurer,
      inquire into the regularity, economy, and efficiency of the expenditures
      of the funds, including the expenses of officers and soundness of the
      investments, and render a report of their findings, together with their
      recommendations, to the officers and members.
   b. For this purpose they shall at all times have access to all
      books, papers, and accounts, and will be furnished full information
      of all business transactions of the Association.
   c. The Trustees shall become knowledgeable with the duties of
      the Executive Board officers so that they are prepared to fill such
      positions in the event vacancies occur. The President shall periodi-
      cally convene the Trustees for the purposes of training related to this
      obligation. Such training may be held in conjunction with meetings
      of the Joint Board.

Sec. 3. Bonding of National Officers and Employees of the
Association – Handling Funds or Property.
   All national officers and employees of the Association who
handle funds or property of the Association shall be bonded in
such amounts as may be approved by the Board of Trustees and the
Secretary-Treasurer in compliance with applicable law, the expense
of which bonding shall be borne by the Association.

ARTICLE IX
Joint Board

Sec. 1. Membership, Duties, and Authority.
   The Executive Board, together with the Board of Trustees,
shall constitute the Joint Board which shall perform the duties and
exercise authority as elsewhere provided in the Constitution and
By-Laws. A quorum shall consist of a majority of the members
of the Executive Board and a majority of the Board of Trustees,
provided that five or more concurring votes shall be necessary to
legalize any action within the Joint Board’s jurisdiction.
Sec. 2. Incorporation of Association and Authority to be Exercised.

a. The Joint Board may take steps to procure the incorporation of a company under the provisions of the statutes of any State in the United States, to be selected by the Joint Board, relating to the incorporation of companies not organized for profit, the membership of which company shall be confined to the members of such Joint Board and their successors in such capacity. The purpose of the organization shall be the holding of real estate for the benefit of the Association. This corporation shall have the power to acquire and hold real estate and complete and operate an office building thereon for the benefit of the Association. It shall have full power and authority to borrow money, and encumber any part or all of such real estate, or any personal property, coming into its possession, for the purpose of borrowing money to be used for the purpose of said corporation.

b. This corporation shall have authority to represent the interests of the Association as plaintiff or defendant in any court action relating to such real estate or personal property. It shall have authority to do all things necessary to carry out the purposes of said corporation, and shall be authorized to adopt such rules and regulations as may be necessary in order to accomplish such purposes, and shall have such further powers in relation to the custody, control, management, use as collateral or disposition of the real or personal property of this Association as may, from time to time, be conferred on it by the General Assembly by special resolution or by general regulations.

c. The Joint Board may expend up to 30% of the assets of the Association to achieve the purposes of this Section.

ARTICLE X
General Assembly

Sec. 1. Membership.

a. The General Assembly shall consist of all delegates or alternates chosen as hereafter provided in Section 3 of this Article,
retired Executive Board Officers receiving a Deferred Executive Compensation Annuity, and incumbent national officers, all of whom shall be entitled to a voice and vote on all matters before the General Assembly provided, however, that only delegates or alternates may vote in elections of national officers and on proposed increases in rates of dues, initiation fees, and assessments.

b. Suitable badges of distinctive color or design shall be provided and worn by delegates, alternates, retired Executive Board Officers and officers entitled to participate in the deliberations and proceedings of the General Assembly. Visitors’ badges shall be provided and worn by any other members authorized to attend sessions of the General Assembly.

Sec. 2. Time and Place.

Regular sessions of the General Assembly shall be held quadrennially at a time and location to be determined by the Joint Board.

Sec. 3. Representation and Election of Delegates.

a. (i) On transportation systems in the boundary limits of the United States as designated by the Executive Board, delegate entitlement for active or active-extra members of the Association in good standing shall be as follows: one (1) delegate for each forty (40) members or fraction thereof.

(ii) Where the members on a transportation system are entitled to one (1) or more delegates, the General Chairman shall be a delegate by virtue of his election by secret ballot as General Chairman provided, however, that such General Chairman is not also a national officer of the Association. Where said members are entitled to one (1) delegate, the Vice General Chairman, if any, shall be an Alternate delegate by virtue of his election by secret ballot as Vice General Chairman, provided, however, that such Vice General Chairman is not also a national officer of the Association. Where said members are entitled to two (2) or more delegates, and where they have duly elected Vice General Chairmen by secret ballot, such Vice General Chairmen shall also be delegates by virtue of such
election to office; provided, however, that in no case shall the dele-
gates exceed the number to which members on any transportation
system are entitled as of the first day of the fifth month prior to the
convening of a General Assembly as provided in this Section; and
provided, further, that none of such Vice General Chairmen shall
be eligible as a delegate if he is also serving as a national officer of
the Association. After determining which delegate positions may
be filled by its General Chairman and/or Vice General Chairman as
aforesaid, any remaining delegates and all alternates to which the
members of a transportation system are entitled shall be elected as
hereafter provided.

b. Any active or active-extra member in good standing on the
transportation system he is to represent at the General Assembly
shall be eligible for election as delegate or alternate, and shall be
nominated and elected by the active and active-extra members
on such transportation system in accordance with the procedure
prescribed in the Rules Governing Elections appended to and made
a part of this Constitution and By-Laws.

c. After conducting the nominations and elections of delegates
and alternates as prescribed in the said Rules, the Secretary-
Treasurer shall report the results of such elections to the System
Committee of the respective transportation system. The Secretary-
Treasurer shall then provide each delegate and alternate elected with
a credential signed by the tellers of such elections.

d. The Secretary-Treasurer shall issue proper credentials to all
General Chairmen and Vice General Chairmen who are entitled to
be delegates by virtue of their elections to said office as provided
in sub-section a. of this Section, and such credentials shall be
presented by such delegates to the Credentials Committee of the
General Assembly upon their arrival at convention headquarters.

e. All delegates and alternates chosen as aforesaid shall serve
until the election of their successors.

Sec. 4. Committees.

a. The President shall appoint and convene the committees here-
inafter designated and all other special committees at the General
Assembly except as may otherwise be provided in this Constitution and By-Laws.

b. The Constitution, Resolutions and Finance Committees as described in sub-sections d., e., and f., respectively and, if necessary, other such committees as referred to in this Section, will, as directed by the President, meet not less than forty-five (45) days preceding the opening of the General Assembly to prepare their prescribed reports. Such reports will be mailed to all elected delegates not less than thirty (30) days before the opening of the General Assembly.

c. Credentials Committee.

(i) The President shall appoint a committee composed of three delegates on credentials, to be known as the Credentials Committee, the members of which shall report on the day immediately prior to the date of and at the place where the sessions of the General Assembly are to be held. The Credentials Committee shall examine and inquire into the regularity of the credentials of the delegates and the right of their constituents to representation in the General Assembly, and perform such other duties as assigned by the President.

(ii) It shall receive all original credentials presented by delegates and be ready to submit its report at the opening of the General Assembly.

(iii) Should protest be filed against the seating of any delegate, the General Assembly as temporarily organized will immediately dispose of the case.

d. Constitution and Rules and Order of Business Committee.

(i) The President shall appoint a committee composed of three delegates on the Constitution and By-Laws and on Rules and Order of Business, to be known as the Constitution and Rules and Order of Business Committee, the members of which shall serve from time of appointment until the adjournment of the session of the General Assembly for which they were appointed, subject to call and adjournment of the President. He shall convene the Committee a sufficient number of days prior to the session of the General
Assembly to permit consideration of such amendments as may be referred to it, prepare its report, and be ready to submit same when requested to do so by the General Assembly.

(ii) It shall be the duty of said Constitution Committee to consider all recommendations and proposed amendments to the Constitution and By-Laws properly submitted by the officers, delegates, and members. The Committee may hold hearings and shall report their recommendations to the General Assembly for consideration and action. The Committee will have authority to initiate and recommend new legislation, including amendments to this Constitution and By-Laws as provided in Article XX of this Constitution and By-Laws, and to submit the same to the General Assembly for consideration and action.

(iii) The Committee shall also recommend such general and special rules as will, in conjunction with Robert’s Rules of Order and this Constitution and By-Laws, expedite the business of the General Assembly.

e. Resolutions and Legislative Committee.

The President shall appoint a Committee composed of three delegates on resolutions and on legislative matters to be known as the Resolutions and Legislative Committee. This Committee shall give consideration to such resolutions as may be referred to it, prepare its report, and be ready to submit it to the General Assembly. This Committee shall prepare and submit such resolutions as in its opinion warrant preserving or enhancing the best interests of the Association and the members thereof. The Committee shall also consider all legislative questions or laws pertaining to the betterment of working conditions for transportation workers and to recommend to the General Assembly action to be taken thereon.

f. Committee on Finance, Salaries, and Officers’ Reports.

The President shall appoint a committee composed of three delegates on Finance, Salaries, and Officers’ Reports, which he may convene a sufficient number of days prior to the meeting of
the General Assembly to permit consideration of matters to be contained in their report. It shall be the duty of this Committee to recommend the amount of salary to be paid to officers, examine officers’ reports and to recommend action to be taken thereon; to recommend the amount of the daily expense allowance to be paid to retired Executive Board Officers and delegates for approval by the General Assembly, to consider all matters pertaining to the finances of the Association which may be referred to it, and to recommend to the General Assembly action to be taken thereon.

   g. Committee on Press and Greetings.
   The President shall appoint a committee composed of three delegates on Press and Greetings which shall introduce resolutions of greetings, prepare all responses and give publicity to the functions of the General Assembly that may be deemed proper.

   h. Committee on Grievances and Appeals.
   All appeals and grievances presented to the General Assembly in the prescribed manner, except appeals from trials of officers (Article III, Sec. 10j), will be referred to the Committee on Grievances and Appeals, consisting of three delegates appointed by the President, which will review all grievances and appeals submitted to the General Assembly and make such investigations as they deem proper and report to the General Assembly with their recommendations.

   i. Duration of Appointments.
   Committees appointed pursuant to this section shall serve until final adjournment of the General Assembly. No delegate may serve on more than one committee.

Sec. 5. Delegate Salaries and Expenses.
   a. Delegates in attendance at a meeting of the General Assembly shall be allowed their lost wages (straight time rate of pay plus allowances) per day as salary. Retired Executive Board Officers in attendance shall be paid an honorarium equivalent to their monthly Deferred Executive Compensation Annuity per day.

   b. At each General Assembly the Committee on Finance, Salaries, and Officers’ Reports will recommend, for approval by the
General Assembly, the amount of the daily expense allowance to be paid retired Executive Board Officers and Delegates to adequately cover expenses incurred by them for that Assembly. Such daily expense allowance is to be based upon the Committee’s figures of current expenses prevailing at the time and place, taking into consideration the fact that the sleeping room accommodations may be direct-billed to the Association.

c. The salary and daily expense allowance shall apply from the last date possible to leave home and arrive at the place of meeting in time for the opening session, until the earliest possible date to arrive home after the close of the meeting. No allowance whatsoever will be made for days not actually in attendance during session unless excused by a majority vote of the Assembly.

d. All personal expenses shall be assumed by retired Executive Board Officers and Delegates. Retired Executive Board Officers and Delegates shall be reimbursed the actual cost of transportation, by the most economical means. Such request for reimbursement shall be made on the prescribed form and presented to the Secretary-Treasurer.

e. Delegates may travel by airline, rail, bus or auto when it will result in a net savings to the Association. Reimbursements for rail or bus fare or auto expenses shall be approved only upon an affirmation showing that rail, bus or auto travel resulted in a net reduction in the amount payable for salary, expenses and air fare had air transportation been used.

Sec. 6. Order of Business.
The following order of business shall govern the Convention proceedings unless otherwise ordered by majority vote of the General Assembly:

1. Announcement by President of personnel of Committees appointed prior to Convention and appointment and announcement of special committees on Press and Greetings, Grievances and Appeals.

3. Call to order by the President.
4. Roll call of Officers, Retired Executive Board Officers and Delegates.
5. Report of Committee on Rules and Order of Business.
6. Report and message of President.
7. Reports of other officers.
8. Reports of other committees.
11. Election and installation of officers.

Sec. 7. Quorum and Legal Majority.
A majority of the members of the General Assembly shall constitute a quorum, and a majority of such members present and voting shall legalize action on all questions except on the adoption of amendments to the Constitution and By-Laws or as otherwise provided by this Constitution and By-Laws or the rules adopted for the conduct of business of the Assembly.

Sec. 8. Special Sessions of General Assembly.

a. The President, with approval of the Joint Board, may call a special session of the General Assembly between regular conventions for the purpose of considering special subjects which in his opinion may require action. The President shall also call a special session upon written request therefor signed by a majority of the active and active-extra members in good standing of the Association.

b. Thirty (30) days’ notice of the call of a special session shall be given to each retired Executive Board Officer, Officer, and Delegate entitled to sit in such special session.

c. The call for such special session of the General Assembly shall be issued by the Secretary-Treasurer and shall specify the time and place thereof and the special subjects to be considered. No subjects other than those designated on the call shall be considered at any special session of the General Assembly. The provisions
of this Constitution and By-Laws which relate to the General Assembly shall govern the procedure of special sessions insofar as they may be required to effectuate the business designated in the call for such special session of the General Assembly.

Sec. 9. Preservation of General Assembly Records.

The Secretary-Treasurer shall preserve for one (1) year the credentials of all delegates and alternates and all ballots, minutes and other records of the General Assembly pertaining to the election of national officers.

ARTICLE XI
System Committees

Sec. 1. Membership and Function.

The General Chairman, Vice General Chairmen, and Local Chairmen, and the System Treasurer, if any, of any transportation system shall collectively constitute the System Committee who may select a sub-committee, from among members of the System Committee, to conduct negotiations with the Management. Except as otherwise provided in the Constitution, a majority of the vote cast shall legalize action on questions which may properly be submitted to the members on a line of transportation by the System Committee.

NOTE: A “transportation system” is considered to be comprised of those members subject to the provisions of a single collective bargaining agreement, or multiple agreements in the case of a merged System Committee.

Sec. 2. Merging System Committees.

Separate System Committees may merge, subject to ratification by a majority vote of each of their respective members, and approval by the President. In the event of such merger, the so-called minority transportation systems shall be entitled to representation on the combined System Committee.

Sec. 3. Bonding of System Committee Officers and Employees.

All officers and employees of System Committees who handle
funds or property of such Committee or of the Association shall be bonded in such amounts as may be required by applicable law, the expense of which bonding shall be borne by the System Committee.

**Sec. 4. Reports Required by Civil Law.**

The General Chairman and System Treasurer (where elected) of each System Committee shall discharge on behalf of the System Committee such duties as may be imposed upon them by applicable civil law including the execution and filing of any reports to federal or state authorities such as those required by the Labor-Management Reporting and Disclosure Act of 1959, and they shall maintain such records as the law requires to be kept in support of the reports filed by such officers. A copy of all such reports shall be furnished to the Secretary-Treasurer.

**Sec. 5. Election of General Chairman, Vice General Chairman, and System Treasurer.**

a. The members of the Association on a transportation system shall elect a General Chairman from among the members on that system by plurality vote. They also may, by plurality vote, elect one or more Vice General Chairmen and Alternate Vice General Chairmen and a System Treasurer. The Alternate Vice General Chairmen shall be the individuals receiving the next highest number of votes for Vice General Chairmen in descending order of votes. If the transportation system is subdivided for the purpose of electing more than one Vice General Chairman and such Vice General Chairmen are to serve only on one such sub-division, their election shall be by a plurality vote of the members on the sub-division on which they are to serve.

**NOTE:** Where System Committees have been merged under Section 2 of this Article only one General Chairman and one System Treasurer will be elected within that system.

b. Members may be elected to serve in the dual capacity of General or Vice General Chairman and Local Chairman, or Vice General or Local Chairman and System Treasurer.
Sec. 6. Election of Local Chairmen.

The members in each location shall by plurality vote elect one of their number to act as Local Chairman. In the event there are multiple crafts headquartered at the same location, each craft may elect a Local Chairman.

Sec. 7. Method and Conduct of Elections.

a. The election of all Chairmen and System Treasurers shall be conducted triennially during the months of October, November and December. Incoming Chairmen and System Treasurers shall assume office on January 1, following such election and the term of office shall be for three years or until the election of successors unless relieved of their office as provided in this Constitution and By-Laws.

b. The Secretary-Treasurer shall conduct the election of all System Committee Officers.

c. All active and active-extra members in good standing are entitled to vote and, except as prohibited by law from holding office, are eligible for election to the System Committee offices specified in Sections 5 and 6 of this Article.

d. All elections shall be conducted by secret ballot and in compliance with Rules Regarding Conduct of Elections of System Committee Officers appended to and made a part of this Constitution and By-Laws.

e. Notwithstanding any other requirements of this Constitution and By-Laws, a secret ballot election need not be conducted where nominees are unopposed. Unopposed nominees shall be declared elected.

Sec. 8. Special Elections to Fill Intermediate Vacancies on System Committees.

a. A General Chairman may resign by presenting his resignation to each member of the System Committee and to the Secretary-Treasurer. The Secretary-Treasurer shall conduct the election of a successor within twenty (20) days of receipt of said resignation.

b. Vice General and Local Chairmen may resign by presenting their resignation to the General Chairman. Upon accepting this resig-
nation, the General Chairman will notify the Secretary-Treasurer. The Secretary-Treasurer will notify the 1st Alternate Vice General Chairman of his position as Vice General Chairman. If the 1st Alternate Vice General Chairman declines to accept the position, it will be offered to the next Alternate Vice General Chairman. Should there be no remaining Alternate Vice General Chairmen, the Secretary-Treasurer will conduct a special election to fill the vacated position.

c. System Treasurers may resign by presenting their resignation to the General Chairman, who will notify the Secretary Treasurer. The Secretary-Treasurer will conduct a special election to fill such vacancy within twenty (20) days of receipt of such notification.

d. Vacancies from other causes will be filled in a similar manner.

e. Each member of the System Committee shall be promptly notified of all such changes in incumbents.

Sec. 9. Delivery of Records to Successor.

At the expiration of term of office of a Chairman and/or System Treasurer, if any, or in the event of his resignation, or death, or removal from office, all funds, records, and other property belonging to the Association or the System Committee shall be delivered to his successor.

Sec. 10. Duties and Authority of General Chairman.

The General Chairman will preside at all the meetings of the System Committee. He will decide all questions passed to him for decision, subject to appeal to the President. He shall handle all cases with the General officers of the lines under his jurisdiction, when properly referred to him for handling, and perform such other duties, as required by the laws or rules of the Association, or as may be assigned by the President. In the event of failure to adjust any grievance that has been referred to him for handling, he shall submit a full report to the President together with all papers in the case.

Sec. 11. Furnishing Copies of Collective Bargaining Agreements.

Copies of any agreements governing wages, rules, and working conditions of members of a transportation system which are negoti-
ated and adopted pursuant to authority contained in Section 1 of this Article shall be furnished by the General Chairman or designee, upon request and within a reasonable time consistent with his other duties and obligations, to any member or employee covered by such agreements and copies shall be maintained by the General Chairman available for inspection by any such member or employee.

Sec. 12. Duties and Authority of Vice General Chairman.

The Vice General Chairman will assist the General Chairman in the conduct of the affairs of the System Committee, performing such duties as may be assigned by the General Chairman.

Sec. 13. Duties and Authority of Local Chairman.

The Local Chairman will act as correspondent for his office and it shall be his duty to answer all correspondence as fully and promptly as possible. He shall thoroughly investigate any complaint and/or claims that may be referred to him by a member of his office. If the case has sufficient merit, he shall prepare the necessary data and present it to the proper company officials in succession as necessary, and in the event of failure to satisfactorily adjust the matter at issue, will refer the case to the General Chairman with all papers. If the case is lacking in merit, the Local Chairman will advise the General Chairman of all the facts and submit all papers relevant to the case. Local Chairmen will at all times furnish the General Chairman and the President with complete information on all cases handled by them. No complaint will be considered unless it has been reduced to writing, setting forth all the facts. A member whose case is deemed not to have sufficient merit may appeal in succession to the General Chairman and to the President provided such appeals are taken within thirty (30) days from denial thereof.

Sec. 14. Duties and Authority of System Treasurer.

a. The System Treasurer shall receive and have custody of all payments of system dues and assessments, and may, upon authorization contained in this Constitution and By-Laws and as may be authorized by the System Committee Regulations on that road or under resolution adopted by the System Committee thereunder, pay
them out to meet necessary expenses and obligations in carrying on System Committee affairs. He shall be prepared, upon examination of his books, to exhibit receipts and authorizations for all expenditures.

b. The System Treasurer shall, before assuming his duties, post a bond in an amount determined by the System Committee and approved by the Secretary-Treasurer. The expense of such bond shall be paid from the System Fund.

c. The System Treasurer shall deposit in an open account in one bank or trust company, to the account of the American Train Dispatchers Association…….Railroad System Fund, all system funds received by him as promptly as possible after receiving same, and before any money thus deposited may be withdrawn, each check shall be signed by the System Treasurer.

d. The System Treasurer (or General Chairman, if no System Treasurer has been elected) shall keep correct and proper accounts of all monies and such accounts shall be prepared and maintained on a fiscal year basis ending June 30. Financial reports required by law shall be prepared from the information contained in such accounts at the close of each fiscal year.

e. In addition to the reports required by law as specified by Section 4 of this Article, the System Treasurer (or General Chairman, if no System Treasurer has been elected) shall render a semi-annual report of all receipts and disbursements of System Funds to members of the System Committee on that road, furnishing copy thereof to the Secretary-Treasurer.

f. The General Chairman, with approval of a majority of the System Committee and subject to further approval of the President, may request the Secretary-Treasurer to perform the duties of the System Treasurer and Custodian of the System Fund. When such a request is made, all System Committee financial records and funds must be forwarded to the Secretary-Treasurer. The General Chairman may request that the System Committee financial records and funds be returned to the System Treasurer or Custodian of System Fund at any time.
Sec. 15. Establishment of System Fund and Payment of System Dues.

a. Each System Committee shall maintain a fund to be known as the System Fund, comprised of System Fund dues, payable by all active and active-extra members of the Association on the System, in an amount sufficient to carry on the affairs of the System Committee on a sound financial basis, having in mind its current and prospective needs and requirements. Upon the establishment of a System Committee, the original amount of its dues shall be determined by the System Committee, subject to approval by the President, and shall be announced by the General Chairman to all members on such System by regulations duly adopted by the System Committee in accordance with Section 16 of this Article. Such System dues shall be payable by all members in the manner prescribed by such regulations.

b. Effective December 1, 2015, each System Committee shall establish minimum monthly System Dues in an amount determined by multiplying the average trick train dispatcher daily rate of pay (eight hours straight time pay plus all daily allowances) in effect on the System by .05 and rounding up to the next nickel. On those Systems where System Dues exceed this minimum monthly amount, System Dues shall not be reduced except by action of the members on the System in accordance with the Rules Regarding Referendum Voting set forth in this Constitution and Bylaws. These amounts shall be adjusted every October 1 thereafter using the same methodology.

c. No other increase in System Dues may be implemented without the prior approval of the President and a majority of the members in good standing on the System voting in accordance with the Rules Regarding Referendum Voting set forth in this Constitution and Bylaws.

d. General or special System assessments in addition to regular System Dues shall be subject to the same procedures as apply to increases in System Dues, provided that no assessment(s) shall exceed the amount of annual system dues in any calendar year.
Sec. 16. System Committee Regulations.

Each System Committee shall adopt By-Laws or regulations governing the conduct of its affairs and business provided that such By-Laws or regulations make express reference to the governing authority of all applicable provisions of this Constitution and By-Laws, particularly those governing System Committees, and provided, further, that none of the provisions of such By-Laws or System regulations shall be in conflict with any of the provisions of this Constitution and By-Laws and that prior to issuance they shall be submitted to the President for his approval. Any proposed amendments, revisions, or modifications to such By-Laws or regulations shall likewise be submitted for approval of the President prior to issuance.

Sec. 17. General Chairman Serving as Custodian of System Fund.

On Systems where no System Treasurer has been elected, the General Chairman shall be the custodian of the System Fund and will make all necessary disbursements for expenses of the System Committee. He shall post bond in an amount determined by the System Committee and will perform all other obligations of the System Treasurer as previously set forth in this Constitution and By-Laws, including the furnishing of a semi-annual report to the System Committee of all receipts and disbursements, with a copy to the Secretary Treasurer.

Sec. 18. Prohibition of Certain Loans and Payment of Fines.

a. No System Committee or officer thereof shall directly or indirectly make any loans from the funds or property of the System Committee to any officer, member, or employee of the System Committee.

b. The funds of the System Committee shall not be obligated or used directly or indirectly to pay the fine of any officer, member, or employee of the System Committee convicted of any willful violation of the Labor-Management Reporting and Disclosure Act of 1959, but this prohibition shall not prevent the assumption by the
System Committee of the costs of defending such Committee or any of its officers, members, agents, representatives, or employees in any civil or criminal proceedings in which they may become involved for alleged violations of law.

**ARTICLE XII**

**Revenue and Funds**

**Sec. 1. General Fund.**

All revenue of this Association shall be placed in a general fund from which shall be paid the salaries of officers, the general operating expenses of the Association’s headquarters office, strike and lockout payments and benefits, expenditures authorized by the General Assembly, and such other expenses in connection with or incidental to the operation, defense, and protection of this Association as may be necessary or proper, all subject to the provisions of this Constitution and By-Laws and any resolutions of the Executive Board adopted thereunder.

**Sec. 2. Disposition of Funds.**

a. The funds of the Association in excess of Three Hundred Fifty Thousand Dollars ($350,000.00) shall be invested pursuant to the Investment Policy as adopted by the Executive Board, provided that at least 35% be invested in fixed income securities, including United States Government or Agency securities, and Bank Certificates not to exceed FDIC insurance guarantee limits, in the name of the American Train Dispatchers Association, as directed by the Executive Board.

b. All investments shall be deposited in trust in the name of the American Train Dispatchers Association with a reliable bank or trust company selected by the Executive Board, and will be subject to sale or withdrawal by the Secretary-Treasurer only on resolutions bearing the joint signatures of not less than two members of the Executive Board.

c. The Secretary-Treasurer shall submit a copy of Section 2 (b) of this Article to any bank or trust company in whose trust any of
the funds of the Association are thus deposited, together with a roster of the Executive Board and in addition shall promptly revise the aforesaid roster to conform with current changes in its personnel.

d. When approved by the Trustees, the Executive Board may borrow money on the investments held by the Association, when same is deemed of greater advantage than to sell such investments for current needs.

e. There shall be a one-time disbursement of monies to System Committees based on the following formula:

- 1 delegate: $20,000 per delegate
- 2-4 delegates: $15,000 per delegate
- 5-9 delegates: $10,000 per delegate
- 10 or more delegates: $2,700 per delegate

All initial disbursements shall be made on or before December 31, 2015. A System Committee shall have the option to defer all or part of its disbursement, however the funds not disbursed shall be deposited in an escrow account for future needs of any System Committee, as approved by the Joint Board.

ARTICLE XIII
Publication of Train Dispatcher

Sec. 1.

THE TRAIN DISPATCHER shall be the name of the official publication of the Association, which shall be published under the direction and supervision of the Secretary-Treasurer in accord with a policy approved by the President. The publication schedule shall be determined by the Executive Board. The Executive Board shall have the discretion to discontinue or suspend the publication of THE TRAIN DISPATCHER in the event the Association merges or affiliates with another labor organization which publishes a publication in which adequate and sufficient space will be made available for the publication of notices and information relevant to members of the Association.
Sec. 2.

The general character of THE TRAIN DISPATCHER shall be in conformity with principles tending to promote the welfare of the Association, and shall be nonsectarian.

Sec. 3.

a. Instructions and information from the officers, and notices of assessments, when published in THE TRAIN DISPATCHER, shall be considered legal notice.

b. All legal notices published in THE TRAIN DISPATCHER shall be published under the caption “Legal Notices” in a uniform place. When no legal notices are published, the word “None” shall appear under this caption.

Sec. 4.

a. The subscription to THE TRAIN DISPATCHER for each Active, Active Extra, and Associate (other than retired) member shall be Five Dollars ($5.00) per year, payable in advance, which amount shall be set aside from annual dues paid by said member and so credited on the books of the Association.

b. Members in good standing upon retirement shall receive complimentary subscription to THE TRAIN DISPATCHER upon request.

c. The subscription price for others shall be One Hundred Twelve Dollars ($112.00) per year, which may be waived at the discretion of the Executive Board.

ARTICLE XIV

Misconduct and Penalties

Sec. 1.

Except as otherwise provided in this Constitution and By-Laws, any officer or member of this Association, after charges, trial and conviction on any of the following offenses, or in the event of refusal or failure without good reason to stand trial on such charges, may be reprimanded, fined, removed from office, and/
or suspended or expelled from membership as the evidence may warrant, provided, however, that the requirements of this Article shall not prevent summary suspension of System Committee officers from office by the President in accordance with the provisions of Section 2 of Article IV of this Constitution and By-Laws. The following shall constitute misconduct:

a. Refusal or failure to perform any duty or obligation imposed by this Constitution and By-Laws, the established policies of this Association, the valid decision of any officer or officers thereof, or the valid decisions of the Executive Board or General Assembly, or the valid rules and regulations of any System Committee.

b. Failing, refusing, or neglecting to appear as a prosecuting witness after filing charges against a member or officer of this Association.

c. Violating the recognized and established agreements of this Association relating to rates of pay, rules, and working conditions.

d. Attempting, inaugurating, or encouraging secession from this Association, or advocating or encouraging any dual labor movement.

e. Crossing a picket line (whether that of the Association or that of another labor organization) or performing service for any employer in any capacity where a strike or lockout is in progress. In the absence of a picket line, the President, with approval of the Executive Board, may declare that a picket line is deemed to be present, notwithstanding the absence of any visible pickets.

f. Committing any act of fraud, embezzlement, misappropriation, or appropriating to his own use any money, property, or thing of value belonging to this Association or any System Committee thereof, or refusing, failing, or neglecting to comply with the provisions of this Constitution and By-Laws requiring a full and accurate accounting of all monies, properties, books, and records for examination and audit.

g. Acquiring membership by false pretense, misrepresentation, or fraud.

h. Failure and refusal to abide by the rules of order and parlia-
mentary procedure in the sessions of the General Assembly or in other duly constituted meetings of the Association.

i. Conduct unbecoming a member of this Association, provided, however, that utilization of this provision shall be valid only when the charges set forth in specific terms the act or acts or conduct alleged to be unbecoming a member.

**ARTICLE XV**

**Charges and Trials of Members**

**Sec. 1. Preferring Charges.**

Charges against individual members of this Association may be preferred in the manner provided in this Article by any member or members or by any officer of this Association.

**Sec. 2. Detail and Procedure.**

a. All charges must be filed within sixty (60) days of actual knowledge of the alleged misconduct and

(1) be in writing;
(2) be signed by the party preferring the same;
(3) contain a statement of the facts out of which such charges originated;
(4) refer to the Article, section, and paragraph of this Constitution and By-Laws, the established policies, decisions, laws, rules or regulations which it is alleged have been, or are being violated;
(5) State the nature of the violation claimed.

b. The officer or member preferring such charges shall send a copy of the same by Registered or Certified Mail, Return Receipt Requested, to the accused and at the same time file such charges in duplicate with the General Chairman. The General Chairman shall make an investigation to determine all available facts. After such investigation, he shall report the results thereof to the President with all data and documentary evidence and his recommendations within sixty (60) days of receipt of such charges, provided that such time may be extended by the President for good cause shown. A copy of
such report shall be given to the member against whom charges are preferred.

c. After considering the General Chairman’s report, if the President decides that there are reasonable grounds for the charge and sufficient justification for a trial, he shall order the accused to be tried. The President shall notify the accused and those preferring the charges in writing, by Registered or Certified Mail, of the time and place of such trial. He shall then instruct an Executive Board Officer to select two impartial members in good standing to sit with such Executive Board Officer as a trial board to conduct a trial in the manner hereinafter prescribed. Such trial must start within sixty (60) days from the date of receipt of the General Chairman’s report to the President referred to in sub-section b. above.

d. Charges against a General Chairman shall be made in writing directly to the President, in which event the President may appoint an Executive Board Officer, a Vice General Chairman, or Local Chairman to make the necessary investigation and report. Upon receipt of such report, the President shall proceed as provided in sub-section c. above.

Sec. 3. Conduct of Trial.

a. Unless otherwise agreed by the parties, the trial shall be held in the city, or in close proximity thereto, of the headquarters in which the accused is employed. It shall be promptly held, but not less than two weeks after receipt of the notification to the accused by the President.

b. All parties shall be given full opportunity to present all relevant evidence and exhibits which they deem necessary to the proper presentation of their case, and shall be entitled to cross examine witnesses of the other party or parties. Each party shall have the privilege of selecting any member in good standing of the Association, except a member of the trial board, to act as his counsel in the trial proceedings.

c. Should the accused refuse, fail, or neglect to appear for the trial, the trial board shall proceed with the trial, hear such evidence as may be presented by witnesses who respond to notice, and render
its findings, decisions, and recommendations. Should those who preferred the charges fail to appear, the charges shall be dismissed.

d. Either party may be granted a postponement of a trial by the trial board for a reasonable period of time for valid reasons, or the trial board may postpone the trial on its own motion for not more than thirty (30) days.

e. In the event that witnesses are located at remote points, or if for any other reason they may be unable to appear before the trial board, their testimony may be taken via video or telephone, or in writing before any member of the Association who may be appointed by the trial board for that purpose, provided that the opposing party or parties is given opportunity to be present at the taking of such testimony for the purpose of cross examining such witnesses.

f. The Association shall bear the expenses incurred by the prosecution and defense in cases involving charges brought against members under this section.

Sec. 4. Decision of Trial Board.

a. The trial board shall make its decision by majority vote, which decision shall be in writing, within sixty (60) days of the date of the close of the trial board hearing. The decision shall contain a finding of the facts, the Board’s conclusion as to the guilt or innocence of the accused, and the penalty, if any, to be imposed. Such decision shall be final, subject to appeal as hereafter provided. Copies of the decision shall be furnished to the President, the General Chairman on the road on which the accused is employed, the person or persons who preferred the charges, and to the accused.

b. In the event a member is found guilty of engaging in misconduct described in Article XIV, Section 1.e., the trial board shall impose a fine in an amount equal to two dollars ($2.00) for every one dollar ($1.00) earned by that member for the period(s) of time he is found to have performed service for an employer where a strike or lockout was in progress; in imposing such fine, the trial board shall presume, in the absence of evidence to the contrary, that the guilty member earned a full day’s pay for each day he is found guilty of such misconduct.
c. In addition, the trial board may also impose any related costs involved in the trial.

**Sec. 5. Effect of Resignation from Membership.**

A former member who has resigned in accordance with Article II, Sec. 8., shall be permitted to appear before a duly constituted Trial Board to defend against charges preferred against him and to exercise such rights as are conferred on an accused party pursuant to this Article.

**ARTICLE XVI**

**Appeals**

**Sec. 1. Who May Appeal.**

Any member of this Association or any System Committee or officer thereof who is affected by any decision or order of a System Committee or officer thereof, or by any decision or order of any officer or legally constituted tribunal of this Association or of the Executive Board or Joint Board, shall have the right of appeal as provided herein.

**Sec. 2. Appeal to the President.**

a. Except as otherwise provided in this Constitution and By-Laws, all original appeals shall be referred to the President for consideration and decision except where the President is the party issuing the order or decision from which appeal is taken or is otherwise involved, such as being the accused or party preferring charges.

b. All appeals to the President shall be filed in writing, in duplicate, within thirty (30) days from the date of the action from which the appeal is taken, and shall be signed by the party or parties seeking the appeal. Such appeals shall contain a sufficient statement of the facts and decision involved in the appeal to enable the President to properly consider the matter, together with such argument as the appealing party may wish to submit by way of memorandum or brief. Copies of all such appeals, statements and arguments shall be served by Registered or Certified Mail, Return Receipt Requested on all adverse parties.
c. Upon receipt of a copy of the appeal and supporting statements the party whose decision is being appealed or any other adverse party (such as the member preferring charges or party accused in decisions of Trial Boards) may file a statement in opposition with the President accompanied by such argument as such adverse party or parties may consider necessary for proper consideration of the opposing position. Such opposing statement shall be sent to the President by Registered or Certified Mail, Return Receipt Requested within thirty (30) days after copies of the appeal have been received, and a copy of each such opposing statement shall also be sent by Registered or Certified Mail, Return Receipt Requested to all adverse parties.

d. After the appeal and opposing statements (if any) are received, or after expiration of the time for filing such statements, the President shall review the entire record of the proceedings thus submitted and shall render his decision in writing within sixty (60) days after receipt of all papers in the case. In making such decision the President shall have authority to affirm, reverse, or modify the decision from which appeal is taken and, in the case of an appeal from a Trial Board decision, he may also affirm, reverse, or modify any penalty imposed or remand the case to the Trial Board for further proceedings consistent with his decision. Copies of all decisions of the President on appeal shall be sent to all parties involved in the proceedings.

e. Decisions of the President on appeals shall be final and binding unless a further appeal is taken as hereafter provided by either party to the appeal to the President.

Sec. 3. Appeals to Executive Board.

a. The Executive Board shall entertain two (2) classes of appeals as follows:

(i) All original appeals which the President is disqualified to decide as provided in Section 2 of this Article, by reason of being the party issuing the decision from which appeal is taken or by being otherwise involved, shall be taken initially to the Executive Board and shall be filed within thirty (30) days from the date of
the decision from which appeal is taken with the Secretary of said Board. The Executive Board shall receive the appeal, the statement in support of such appeal, any opposing statement and supporting argument, and the entire record in the case from the Secretary in accordance with the same procedure as heretofore prescribed in Section 2 of this Article governing the submission of initial appeals to the President. In all such cases the Executive Board (with the President abstaining from participation on the appeal) shall render the original decision on appeal.

(ii) Any party in interest who is dissatisfied with the decision of the President on an appeal taken pursuant to Section 2 of this Article may take a further appeal from such decision to the Executive Board within sixty (60) days after receipt of a copy of the President’s decision on appeal. Such appeal shall be sent by Registered or Certified Mail, Return Receipt Requested to the Secretary of the Executive Board and copies shall be similarly mailed by the appealing party to all parties in interest. Upon notification by the Secretary of the Executive Board of receipt of such an appeal, the President shall forward the entire record in the case to the Board including a copy of the President’s decision from which appeal is taken.

b. The party appealing to the Executive Board shall file in support of such appeal at the time of filing with the Secretary of said Board a brief statement of the reasons why the President’s decision on the prior appeal should be reversed together with such further argument, by way of memorandum or brief, as such party desires to make in support of his reasons for seeking reversal. A copy of such statement and argument shall be sent by Registered or Certified Mail, Return Receipt Requested by the party appealing to the opposing party or parties. Such opposing party or parties may file a statement in opposition to the appeal with the Secretary of the Executive Board within thirty (30) days after a copy of the appeal and supporting statement have been received, together with such memorandum or brief in support of such opposing statement as may be desired, copies of which shall be sent by Registered or Certified Mail, Return Receipt Requested to the appealing party at
the same time the opposing statement is mailed to the Secretary of the Executive Board.

c. Upon receipt of an appeal and all accompanying papers as aforesaid, either as an original appeal under sub-section a. or a further appeal under sub-section b. above, the Executive Board shall review the entire record in the case. If requested by any of the parties to the appeal at the time the appeal and supporting and opposing statements are filed, the Executive Board shall grant an oral hearing in person, by video, or telephonically to all such parties or their counsel (who shall be a member in good standing of the Association) at such time and place as the Executive Board may designate. In the event any party requests such an oral hearing the Secretary of the Executive Board shall notify all other parties of their right to participate in such hearing. The President shall not participate in any of the appeal proceedings involving decisions rendered by the President on appeal, nor shall any other member of the Executive Board involved as a party in any such decision. In all appeals to the Executive Board involving decisions of Trial Boards the parties to such an appeal shall be permitted to present only argument on the record theretofore made during the trial proceedings both in their written submissions and at any hearing before the Executive Board.

d. Upon completion of such hearing the Executive Board shall render a decision by majority vote of its members participating on the appeal, which decision shall be rendered in writing within a reasonable time consistent with the other duties and obligations of the members of the Executive Board. Such decision may affirm, reverse, or modify the decision from which appeal is taken and, in the case of decisions originating with Trial Boards, may affirm, reverse, or modify any penalty imposed or remand the case to the Trial Board for further proceedings consistent with the decision of the Executive Board. Copies of all such decisions by the Executive Board shall be sent to all parties in interest by Registered or Certified Mail, Return Receipt Requested. The decision of the Executive Board shall be final and binding subject to further appeal by either party to the General Assembly as hereafter provided.
Sec. 4. Appeals to the General Assembly.

a. The General Assembly shall entertain (3) classes of appeals as follows. First, it shall hear the original appeal in all cases which the Executive Board is disqualified to decide by reason of being the party from whose decision the appeal is taken or by reason of participating in such decision. Second, it shall entertain further appeals on appeal decisions of the Executive Board pursuant to Section 3.b. of this Article. Third, it shall entertain appeals of decisions of the Joint Board pursuant to Article III, Section 10. Any party qualified to take an appeal under Section 1 of this Article may file such original appeal or further appeal within sixty (60) days after service of the decision from which appeal is taken unless the decision of the Executive Board is rendered less than sixty (60) days prior to the opening of the next General Assembly in which event appeal must be filed in time for consideration prior to convening of the General Assembly.

b. All such appeals must be filed within the prescribed period as aforesaid with the Secretary-Treasurer by Registered or Certified Mail, Return Receipt Requested, and copies shall be similarly mailed by the appealing party to any other party or parties involved in the decision from which appeal is taken. A statement of the reasons why the decision appealed from should be reversed together with any additional argument in written form which such party may care to submit shall also be filed with the Secretary-Treasurer and copies sent by Registered or Certified Mail, Return Receipt Requested to all other parties involved. Such opposing parties may file statements in opposition with the Secretary-Treasurer within thirty (30) days after receipt of a copy of the appeal and supporting statements, and a copy of such opposition statements shall be sent by Registered or Certified Mail, Return Receipt Requested to the appealing party.

c. Upon convening of the next regular General Assembly the Secretary-Treasurer shall transmit each such appeal and the entire record therein to the Committee on Grievances and Appeals. Said Committee shall review the record in each appeal and shall prepare
a separate written report on each case recommending affirmance, reversal, or modification of the decision from which appeal is taken including any penalties involved in such decision. Such reports shall be read separately to the delegates of the General Assembly by the Chairman of the Committee. At the conclusion of each such report the delegates and officers entitled to participate in the action of the General Assembly shall by majority vote affirm, reverse, or modify the recommendations of its Committee.

d. A decision of the General Assembly on any appeal shall be final and binding. Notification of each such decision shall be sent by the Secretary-Treasurer to all parties in interest by Registered or Certified Mail, Return Receipt Requested.

Sec. 5. Appeal Not Recognized or Considered.

In order for an appeal under Sections 2, 3, and 4 of this Article to be recognized and considered it must be filed in accordance with the time limits and mail requirements provided for under Sections 2, 3, and 4. Failing to do so will cause the appeal to be denied without further consideration.

Sec. 6. Compliance Pending Appeal.

No appeal shall be recognized or considered, and the right to appeal shall be forfeited, unless the member filing the appeal has accepted and complied with the decision from which such appeal is taken, including the payment of all financial obligations in connection therewith; provided, however, that in the event the President or Executive Board concludes that compliance pending appeal would constitute a substantial bar to the exercise of the right of appeal, compliance therewith may be waived or modified by the President with respect to appeals submitted to him, and by the Executive Board with respect to appeals submitted either to it or to the General Assembly, provided further, however, that in the case of any fines which have been imposed as a penalty, not more than Fifty Dollars ($50.00) shall be required to be paid pending determination of any appeals permitted by and taken under this Article.
Sec. 7. Appeal to Courts of Law or Other Civil Authority.

a. No officer, member, System Committee, Board or other established tribunal of this Association entitled to take an appeal as provided in Section 1 of this Article shall resort to any court of law or equity or other civil authority for the purpose of securing an opinion or decision in connection with any alleged violation of any provision of this Constitution and By-Laws for deprivation of any rights as a member, officer or body of this Association until such member, officer or body shall have first exhausted all remedies by appeal or as otherwise provided in this Constitution and By-Laws not inconsistent with applicable law for the settlement and disposition of such alleged rights.

b. The President, Executive Board and the General Assembly are hereby empowered to refuse or defer consideration of, or to refuse, defer or withhold decisions in, any matter pending in any court of law or before any civil authority as circumstances in their judgment may warrant and justify.

Sec. 8. Effect of Resignation from Membership.

A former member who has resigned in accordance with Article II, Sec. 8, who is affected by a decision or order of a duly constituted Trial Board shall have the same right of appeal as any aggrieved party pursuant to Sections 2-4 of this Article. The provisions of Sections 5-7 of this Article shall also apply to such former member.

ARTICLE XVII
Local Assemblies

Sec. 1.

Local Assemblies for the purpose of promoting the welfare of the Association and its members may be formed with consent of the President; provided that such local Assemblies shall exercise no authority or powers which are by this Constitution and By-Laws delegated to officers or other subordinate tribunals of this Association or the officers thereof. Only members of this
Association in good standing are eligible to membership in local Assemblies.

Sec. 2.
Each local Assembly may adopt such Constitution and By-Laws and other regulations as it may deem necessary for its government, when approved by the President and not in conflict with this Constitution and By-Laws.

Sec. 3.
Questions of territorial jurisdiction of Local Assemblies shall be decided by the President.

ARTICLE XVIII
Seal

Sec. 1.
The seal of the Association shall be in the form and design as approved by the Joint Board.

Sec. 2.
The Secretary-Treasurer shall affix the seal of the Association on all documents requiring a seal.

ARTICLE XIX
Amendments

Sec. 1. How Proposed.
a. This Constitution and By-Laws may be amended in the following manner: Proposed amendments may be submitted in writing in duplicate by the Executive Board or by at least ten (10) members in good standing at any time prior to ninety (90) days before the date set for the General Assembly to convene. Such proposed amendments shall be filed with the Secretary-Treasurer and he shall cause same to be published at least once in THE TRAIN DISPATCHER or such other publication in which the organization publishes notices and information relevant to its members before the Constitution Committee meets.
b. Any further proposed amendments shall be in writing and may be submitted to the Secretary-Treasurer during the first two (2) days of the session of the General Assembly by officers, the Constitution Committee or by at least twenty-five (25) delegates.

c. All proposed amendments must be referred to the Secretary-Treasurer and by him referred to the Constitution Committee before submission to the General Assembly for consideration.

Sec. 2. How Adopted.
A two-thirds vote of the delegates present and voting shall be required to adopt any amendment, and all amendments shall become operative immediately after adoption unless otherwise provided.

Sec. 3. Amendments between General Assemblies.

a. The Executive Board shall have authority between sessions of the General Assembly to amend this Constitution and By-Laws as necessary to remove any conflict between its provisions and those of any applicable Federal or State law, and it is also empowered to modify such of its provisions as required to conform to amendments adopted by the General Assembly.

b. Between sessions of the General Assembly the Joint Board shall have authority to propose amendments to this Constitution and By-Laws other than those referred to in sub-section a. of this Section 3. Such proposed amendments to become adopted, must be approved by a two-thirds vote of the duly constituted General Assembly; such vote shall be taken by U.S. Mail.

c. The Executive Board has the authority to correct any clerical errors that may occur in printing the Constitution and By-Laws. Such correction shall not be considered amendments.

Sec. 4. Amendments Necessary to Effectuate Merger or Affiliation with Another Labor Organization.
Sections 1-3 of this Article notwithstanding, the Joint Board shall have the authority to amend this Constitution and By-Laws as necessary to effectuate a merger or affiliation of the Association with another Labor Organization in accordance with the principles
of such a merger or affiliation approved by the membership of the Association, and provided the following conditions are preserved:

(a) the General Assembly remains the Supreme Authority of the Association,

(b) the Association retains autonomy in (i) all matters related to collective bargaining for and representation of its members in dealing with their employers, (ii) charges and trials of officers and members,

(c) the President and Secretary-Treasurer maintain their offices at the National Headquarters of the Association,

(d) the Association’s revenues and financial matters are subject to a separate accounting, and

(e) the Association remains self-supporting and self-sustaining with its own dues structure, property, assets and liabilities.

RULES GOVERNING ELECTIONS AND REFERENDUM VOTES

A. Rules Regarding Elections of Delegates and Alternates

1. By Whom Conducted.

The Secretary-Treasurer shall conduct elections of all delegates and alternates to which the members on a transportation system are entitled.

2. Time and Method of Nominations.

   a. As provided in sub-section a. of Article X, Sec. 3. of this Constitution and By-Laws, any delegates and alternates in addition to General Chairman and Vice General Chairmen to which members of a transportation system are entitled shall be nominated and elected in accordance with the procedures in the Rules below governing System Committee Officer elections.

   b. The Secretary-Treasurer shall issue a call for nominations of candidates for delegates and alternates to all members in good standing on each transportation system during the fifth month preceding the quadrennial convention of the General Assembly.
c. Any active or active-extra member in good standing on a transportation system shall be eligible for nomination as a delegate or alternate for said transportation system.

d. The number of delegates to which each transportation system is entitled in accordance with Article X, Section 3 of this Constitution and By-Laws shall be determined by the Secretary-Treasurer as of the first day of the fifth month preceding the quadrennial convention and such delegate entitlement shall not be changed because of changes in membership occurring between the first day of the fifth month and the date the General Assembly convenes.

**NOTE**: The delegate strength established pursuant to the foregoing sub-section shall prevail, notwithstanding any mergers or consolidations occurring during the interim before the General Assembly is convened; provided, however, in the event of loss of representation on a transportation system during such interim, the affected transportation system shall not be entitled to have delegates seated. In the event the Association is certified or recognized as the collective bargaining representative for a new transportation system during such interim, the Secretary-Treasurer will endeavor to conduct an election of delegates in an appropriate number, to the extent possible within provisions of applicable law, notwithstanding provisions in this Constitution and By-Laws providing otherwise.

e. Nominations shall be submitted on the form furnished by the Secretary-Treasurer and returned within the period prescribed by him. Upon receipt of all nominations as aforesaid the Secretary-Treasurer shall prepare suitable ballots listing the names as listed on the nomination form of all candidates properly nominated for distribution to the members of the respective transportation system. Such nominees shall be placed on the ballot in alphabetical order.

3. **Time and Method of Election.**

   a. All elections of delegates and alternates to the General Assembly shall be commenced by the Secretary-Treasurer as soon as possible following nominations during the fifth month and distribu-
tion of ballots as heretofore provided in Rule 2 and such elections shall be completed within three (3) months except when a runoff election is required. Any election not so conducted will be an invalid election. Such election shall be conducted by secret ballot referendum vote of the active and active-extra members in good standing who are entitled to participate therein. No vote shall be valid or recorded except for candidates whose names appear in said ballot. “Write-in” votes are not permissible. The requirement of a secret ballot means the expression by ballot or otherwise of a choice by a member cast in such a manner that such member cannot be identified with his vote. In all instances where nominees for delegates or alternate are unopposed, the secret ballot election need not be conducted notwithstanding any other provisions of this Constitution and By-Laws and the unopposed nominees shall be declared elected and the System Committee of the respective transportation system so notified.

b. No funds of the Association, any System Committee or of an employer of any members of the transportation system or any other employer shall be contributed or applied to promote the candidacy of any person for delegate or alternate delegate.


a. During the three (3) months period prescribed in Rule 3 and in time to permit at least thirty (30) days for members to cast and return their ballots, ballot forms and envelopes as hereafter prescribed shall be mailed by the Secretary-Treasurer to each member qualified to vote at his last known home address, along with such instructions as the Secretary-Treasurer considers necessary to insure the secrecy of the ballot and its execution and mailing within the prescribed period. The instructions shall include directions that there shall be no voting by proxy.

b. Members shall be permitted to vote for more than one candidate, in accordance with the number of Delegates to be elected, but ballots which have more votes cast than the number of Delegates to be elected shall cause rejection of the ballot.

c. After the member has executed the ballot in accordance with the instructions thereon, and without affixing any signature or
other identification on such ballot he shall place it in the envelope provided by the Secretary-Treasurer bearing the printed designation “Official Ballot for Delegate and Alternate”. After being securely sealed by the member, this envelope shall then be placed in an outside plain envelope provided by the Secretary-Treasurer and such outside envelope also securely sealed. The member shall then sign his name and address on the outside of this envelope in the space provided therefor. The envelope shall then be mailed by the member within sufficient time to reach the Secretary-Treasurer by the date specified by him for the return of all ballots. Failure of the member to affix his signature and address on the outside envelope will invalidate the ballot, as will any signature or other means of identification on the ballot itself or on the inside envelope containing the ballot. In the event an official ballot or inside envelope containing the ballot is lost, defaced, or incorrectly executed by a member, or if a member fails to receive a ballot, additional ballot and envelopes must be secured by request to the Secretary-Treasurer and must be made within time to permit the return of the ballot by the prescribed date.

d. In lieu of conducting an election by mail ballot, the Secretary-Treasurer may conduct the election by electronic means, provided the method selected is permissible by law, ensures the secrecy and security of the ballot, and affords the members the same protections they receive when the voting is conducted by mail.

5. Appointment of Tellers and Tabulation of Ballots.

After the close of the balloting period the Secretary-Treasurer shall appoint two (2) members in good standing to act as tellers, neither of whom shall be a candidate for delegate or alternate, to tabulate the ballots and certify the results of the election. The candidates receiving the highest number of votes shall be certified as delegates and the candidates receiving the next highest number of votes shall be certified as alternates until the transportation system’s quota has been filled. In the event of a tie vote for the last delegate or alternate, the Secretary-Treasurer shall conduct a run-off election. The results of the election shall then be reported by the Secretary-Treasurer as provided in Section 3 of Article X.

The Secretary-Treasurer shall preserve for one (1) year all ballots and other records pertaining to the election of delegates and alternates.

B. Rules Regarding Conduct of Elections of System Committee Officers

System Committee officers shall be elected in accordance with the requirements of Sections 5, 6, and 7 of Article XI, and such elections shall be conducted as prescribed in these Rules.

1. Time and Method of Nominations.

Preceding the triennial elections of all General Chairmen, Vice General Chairmen, System Treasurers, and Local Chairmen during the months of October, November and December, the Secretary-Treasurer shall issue a call to all qualified members on their respective transportation systems for nomination of eligible candidates for the offices above specified. Such nominations shall be submitted on the form prescribed and furnished by the Secretary-Treasurer and may be submitted by any active or active-extra members in good standing within the period provided for return of such nominations if such nominations are accompanied by the written consent of the nominees that they accept the nomination and will serve if elected. Upon receipt of all nominations, the Secretary-Treasurer shall prepare suitable ballots listing in alphabetical order the names of all candidates properly nominated for distribution to the members.

2. Time and Method of Election.

As provided in Section 7 of Article XI, all elections of System Committee officers shall be conducted during the months of October, November, and December. Notice of the time prescribed within the three (3) months period by the Secretary-Treasurer shall be mailed to each member qualified to participate in the election at his last known address at least fifteen (15) days in advance of
the election. All elections shall be conducted (a) by secret ballot referendum vote (previously defined and prescribed in A. Rules Regarding Elections of Delegates and Alternates hereof) of the active and active-extra members in good standing or (b) voting by secure electronic means, if permissible by law, that ensures the secrecy and security of the ballot.


a. Every bona fide candidate for System Committee office shall have the right to request distribution of campaign literature in behalf of his candidacy, and the Secretary-Treasurer shall comply with all reasonable requests of any such candidate to distribute such literature, by mail or otherwise, to all members in good standing qualified to vote provided, however, that such distribution shall be at the candidate’s own personal expense. Whenever the distribution of campaign literature is authorized on behalf of one candidate for office, similar distribution shall be made upon request for all other bona fide candidates at their expense and equal treatment will be accorded with respect to such expenses. Every bona fide candidate shall have the right, once within thirty (30) days prior to an election in which he is a candidate, to inspect the list containing the names and last known addresses of all members of the transportation system if such members are subject to a union shop agreement requiring membership as a condition of employment, and such list shall be maintained and kept available for inspection by the officer conducting the election. Any discrimination in favor of or against any candidate with respect to the use of membership lists, or otherwise, is prohibited.

b. No funds of the Association, System Committee or of an employer of any members of the transportation system or any other employer shall be contributed or applied to promote the candidacy of any person for office; provided, however, that the System Committee may make expenditures for notices, factual statements of issues, and other expenses necessary to conduct nominations and elections so long as they do not involve promotion of any candidate.

a. During the three (3) months period provided in Rules 2 and 3 within which to complete nominations and elections, and in time to permit at least thirty (30) days for members to cast and return their ballots, ballot forms and envelopes as hereafter prescribed shall be mailed by the Secretary-Treasurer to each member qualified to vote at his last known home address, along with such instructions as the Secretary-Treasurer considers necessary to insure the secrecy of the ballot and its execution and mailing within the prescribed period.

b. After the close of each balloting period, the Secretary-Treasurer shall appoint two members in good standing to act as tellers, neither of whom may be a candidate for any System Committee office involved, to separately tabulate and certify the results of the voting for each office. Each candidate for office shall be entitled upon request to appoint one (1) observer who shall be permitted to witness the counting of the ballots. The Secretary-Treasurer shall decide any disputes concerning the validity of any ballots cast or counted, or the eligibility of any member to vote.

c. The candidate receiving the highest number of votes for a particular office shall be elected to such office, and the results of each election shall be communicated by the Secretary-Treasurer to the General Chairman, who shall promptly notify all members. The Secretary-Treasurer shall notify the Highest Designated Carrier Officer of those persons elected to all offices of the transportation system concerned.

d. Except for the foregoing requirements which must be observed as required by applicable law, all System Committee elections shall be conducted in the form and manner and in accordance with the procedures established by the Constitution and By-Laws of the Association and any by-laws of the System Committee.

e. No vote shall be valid or recorded except for candidates who have been properly nominated as aforesaid. “Write-in” votes are not permissible. There shall be no voting by proxy. Notwithstanding any other requirements of this Constitution and By-Laws, a secret ballot need not be conducted where nominees are unopposed. Unopposed
nominees shall be declared elected and notifications shall be made by the Secretary-Treasurer as set forth in paragraph c. of this Rule.

5. Preservation of Election Records.

The Secretary-Treasurer shall preserve for one (1) year the ballots and all other records pertaining to the election under his supervision.

C. Rules Regarding Referendum Voting

1. Authority to Conduct Referendums by Mail or Electronic Means.

a. A referendum vote of the members of a transportation system on changes in system dues, system assessments, system by-laws, contractual issues, merging of system committees, or any other matter subject to referendum voting, may be conducted by mail or electronically by either the General Chairman or the Secretary-Treasurer upon request from the General Chairman. If the General Chairman requests the Secretary-Treasurer to conduct the vote, he shall provide the Secretary-Treasurer with the question(s) to be put before the members. The Secretary-Treasurer shall determine the most appropriate method to use to conduct the vote, subject to the requirements set forth below.

b. Referendum voting on an issue that involves the entire membership or of multiple System Committees shall be conducted by the Secretary-Treasurer by the method he deems most appropriate, subject to the requirements set forth below.

2. Conduct of Mail Voting.

The following procedures shall apply to referendum votes conducted by the Secretary-Treasurer:

a. The Secretary-Treasurer will prepare mailing envelopes, return envelopes, ballot envelopes, ballots and instructions in accordance with the General Chairman’s request for a referendum vote.

b. The Secretary-Treasurer shall mail voting materials to all members of the transportation system in good standing at their last known addresses in time to permit at least thirty (30) days for
members to cast and return their ballots. The ballot shall set forth in printed or typed form instructions necessary to insure the secrecy of the ballot defined in Rule 3 and its execution and mailing within the prescribed period. There shall be no voting by proxy.

c. After all ballots have been executed and returned in accordance with the instructions thereon, the Secretary-Treasurer shall appoint two members in good standing to act as tellers to tabulate the results of the voting. Members shall be entitled upon request to be permitted to witness the counting of the ballots. The Secretary-Treasurer shall decide any disputes concerning the validity of any ballots cast or counted, or the eligibility of any member to vote.

3. Mail Voting Instructions

The following instructions shall be conveyed to the members voting with the ballot and ballot envelope:

a. Vote by placing a mark in the space provided next to your choice. VOTING BY PROXY IS PROHIBITED.

b. Make no other marks of any kind on the OFFICIAL BALLOT or the OFFICIAL BALLOT ENVELOPE.

c. Seal the voted OFFICIAL BALLOT in the envelope designated: “OFFICIAL BALLOT”.

d. Seal the OFFICIAL BALLOT ENVELOPE containing your voted ballot in the mailing envelope provided.

e. SIGN YOUR NAME on the reverse side of the return-mailing envelope. DO NOT USE printing, typewriting, rubber stamps, or printed mailing stickers as a substitute for your personal signature. Absence of personal signature voids the ballot therein. Then print your name and home mailing address below your signature.

f. To be counted, the voted ballot MUST reach the location designated on the return mailing envelope PRIOR TO THE DATE AND TIME specified for balloting to close, as shown on the OFFICIAL BALLOT.


Referendum votes conducted electronically shall be conducted in accordance with the same schedule and protections as mail ballot
referendum votes. The secrecy of the ballot shall be maintained and procedures shall be followed that ensure that only identified members in good standing are permitted to vote and no voting by proxy occurs.


The Secretary-Treasurer or the General Chairman, as the case may be, shall preserve for one (1) year the ballots and all other records pertaining to the referendum conducted under his supervision.

6. Other Referendum Voting Procedures

Nothing in this Rule shall prohibit a system committee from conducting a referendum vote at union meetings, electronically, or via US mail without the assistance of the Secretary-Treasurer. When the General Chairman conducts a referendum by mail or electronically, he will assume the responsibilities of the Secretary-Treasurer as defined in these Rules.

D. Miscellaneous Rules

1. Use of Outside Vendors for Electronic Voting

Should the Secretary-Treasurer determine that voting take place by electronic or telephonic means, he may, with the approval of the Executive Board, engage an outside concern to conduct the balloting in conjunction with the Association’s Constitutional and legal requirements.

2. Election Protest Procedures

Any member in good standing who is eligible to vote in an election or is a candidate in that election has the right to protest that election. Election protests must be submitted to the President by certified mail, return receipt requested within ten (10) days of actual knowledge of the conduct of event which is the subject of the protest, but no later than sixty (60) days after the election has been certified. Protests submitted in any other manner will not be considered. An appeal of the President’s decision must be made in accordance with Article XVI.
RESOLUTION RE: PROTECTION OF SENIORITY RIGHTS

(The Seventh General Assembly passed the following Resolution on the protection of Seniority Rights of Train Dispatchers thereby establishing the Association’s official policy with respect to this subject. This Resolution has been reaffirmed by the Twenty-Third General Assembly.)

WHEREAS, Seniority for train dispatchers is constantly becoming of more value to the individual, and

WHEREAS, Reductions in forces, consolidation of railroads and offices and divisions on one railroad and other adjustments of train dispatching forces has brought this matter very forcibly to our attention and emphasizes the need of a fixed principle to work out such readjustments, and

WHEREAS, The General Assembly has never laid down a general policy to be advocated and followed by its representatives, therefore, be it

RESOLVED: That the General Assembly, the supreme authority of the American Train Dispatchers Association, in Convention assembled has given serious consideration to this matter and decides that it shall be the policy of the Association and the duty of its representatives in all such readjustments, to effect, insofar as possible, the consolidation of seniority rosters of the territories affected, filling the positions in accordance with seniority of the train dispatchers on such consolidated roster, and in cases where all former assigned train dispatchers are not taken care of on the consolidated territory, effort be made to place them on other territory of the System where junior train dispatchers are employed, and be it further

RESOLVED, That the Association exert every effort to have provisions made by the Interstate Commerce Commission in all permits issued authorizing consolidation of railroads for the protection of seniority rights of train dispatchers, as acquired prior to consolidation, on the consolidated property in line with this policy.
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